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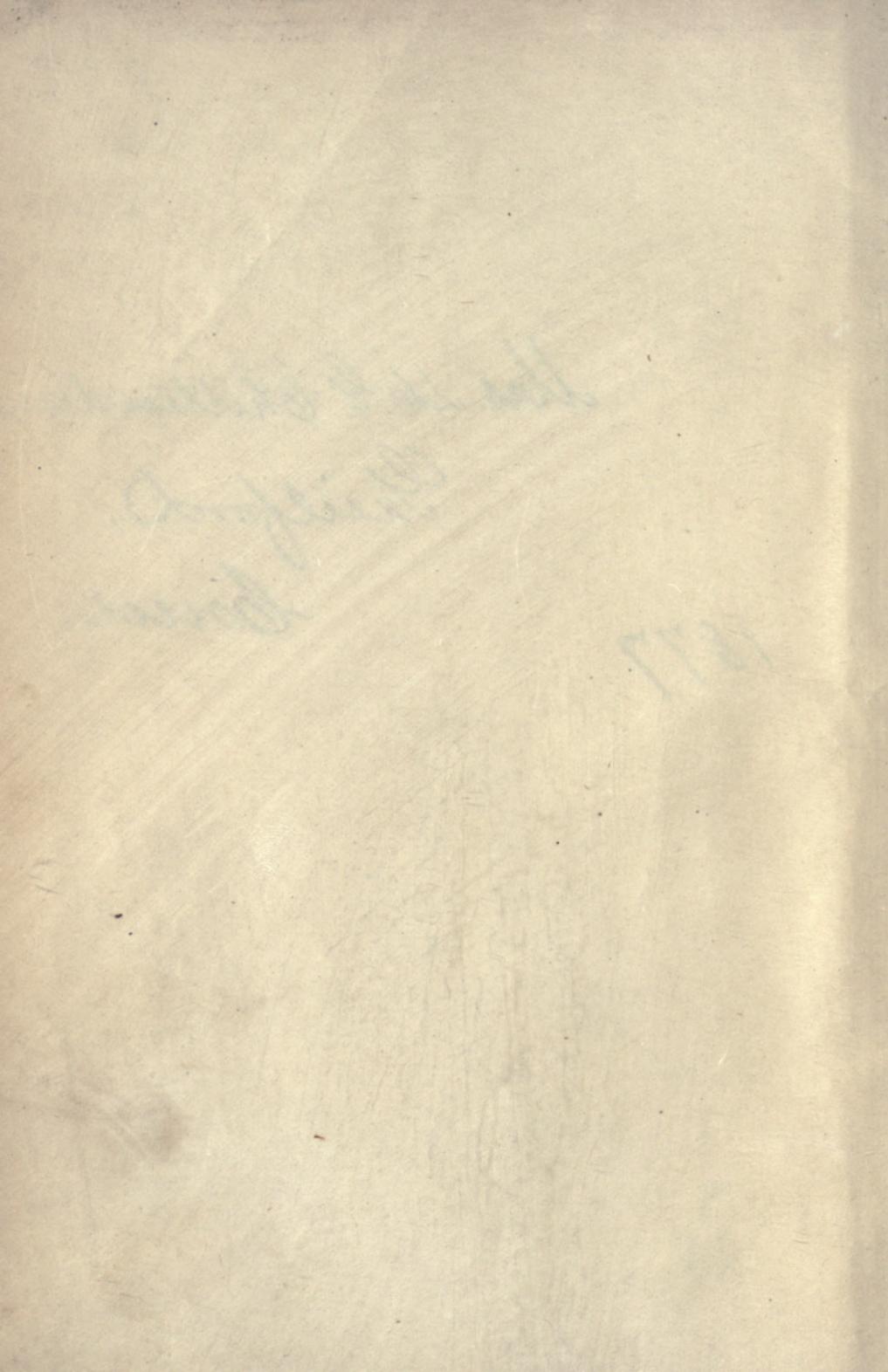
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THE

THREE JUDGES:

Ontario

STORY OF THE MEN
WHO BEHEADED THEIR KING.

g.B.

BY

ISRAEL P. WARREN.

WITH AN INTRODUCTION

BY REV. LEONARD BACON, D.D.



NEW YORK:
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PREFACE.

IN the preparation of this work, it has not been thought necessary to note minutely the sources from which its materials were derived. The great Revolution of 1640-1659 is among the most familiar topics of English history, and is recounted at length in all our standard authorities on that subject. Of the trial and execution of the King, and the barbarous punishments inflicted on such of his judges as fell into the hands of his son after the Restoration, detailed accounts are given by Nalson, Caulfield, Ludlow, Pepys, and many other writers of that day.

For our knowledge of the events attending the exile of the three judges who fled to America, their concealment and hardships, and the heroism of the infant colonies in giving them a shelter at their own imminent peril, we are chiefly indebted to the late President Stiles, of Yale College. He investigated the matter with all the industry which its intrinsic interest and his enthusiastic admiration for the venerable men who were its subjects, could inspire. Living within less than one hundred years of their time, when not a few survived whose fathers and grandfathers were personally cognizant of the facts, he had advantages for ascertaining the truth which no subsequent writer could share. Thought

PREFACE.

his conclusions have been regarded as fanciful, especially the theory of the interment of all three of the judges at New Haven, yet his work, in all essential respects, is believed to be worthy of entire confidence.

Goffe's correspondence, and some other matters which have come to light since Stiles's History was published, are taken from the Collections of the Massachusetts Historical Society. A few particulars as to the places where the judges were secreted, are given from a recent personal visit to those localities.

It has been my aim to make this literally *a true story*. Nothing has been inserted but well-authenticated fact, or what has been transmitted to us by tradition.

The romantic interest of the story of these three fugitives from royal vengeance will not be questioned. Southey states that he contemplated writing "an Anglo-American Iliad," in which "the main interest will fix upon Goffe the regicide, for whom I invent a Quaker son — a new character, you will allow, for heroic poetry. The poem itself in the first draught is called Oliver Goffe." Poetical Works, p. 832. The traditionary account of Goffe's appearance to aid the people of Hadley against the attack of the Indians is made a graphic episode in Scott's novel of "Peveril of the Peak." In addition to this interest, it is hoped that our young readers will find in the narrative a source of instruction in the principles of civil and religious liberty, and also in that highest truth which can alone inspire the deeds that make men immortal.

I. P. W.

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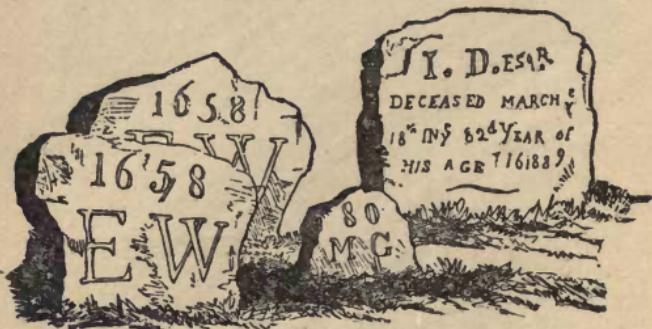
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THE THREE JUDGES.



THE engraving gives a view of what are popularly called "the Judges' gravestones," on the Public Square in New Haven. Their relative position is changed so as to allow them to be shown in one group. It will be seen that the 5 on both the E. W. stones has a peculiar appearance, as if substituted for or blended with a 7, so as possibly to suggest 1678. The I. D. stone, which undoubtedly belongs to the grave of Dixwell, has been placed in the monumental inclosure by the side of the marble obelisk recently erected. The M. G. stone is now nearly or quite covered by the earth, in the path near the northern angle of the inclosure. See page 272.



INTRODUCTION.

BY REV. LEONARD BACON, D. D.

PERHAPS no episode in American history appeals more powerfully to the imagination than that of the fugitive judges who had subscribed the death-warrant of a king. The romance of the story is quite independent of any sympathy with the men, or with the cause for which they had fought, and for which, in its defeat, they suffered. The facts are the same, and the romance of the story is essentially the same, whether interpreted by sympathy with the men or by antipathy.

It should not be forgotten that, even at this late day, there are those not only in Great Britain, but

in the United States, whose feelings are on the side of "King Charles the Martyr," as he was called, till recently, in the calendar of the Church of England. They may not be willing to identify themselves in all respects with that king's party in the conflict which brought him to the scaffold. Being Americans, they may reject, very heartily, the dogma of the divine right of Charles Stuart to govern England at his own free will, and without responsibility save to God ; or, being English subjects, they may honestly profess to believe that kings are for the people, and not the people for kings, and that the majesty of the law which protects the people against arbitrary power is more sacred than the majesty of the person who happens to wear the crown ; but by the force of some ecclesiastical or religious tradition, or of literary and esthetic prejudice, their sympathy is with the king, — so grave, so gallant, so unfortunate, — rather than with the people in arms for ancient and chartered freedom. In their reading of English history, the heroes of their fancy are Falkland rather than Hampden, Hyde rather than Pym, Strafford rather than Cromwell, and Laud is to them a saintlier name than Baxter or Owen. Their antipathy

against “roundheads” and “sectaries” colors the facts of undoubted history.

To such minds the story of the Regicides in New England may have an interest like that of an old romance. As the barbarians of Melita, when a viper from the heat fastened on the hand of the prisoner Paul, said among themselves, “No doubt this man is a murderer, whom vengeance suffereth not to live,” so a reader whose sympathies are with the “cavaliers” against the “roundheads,” may think he sees, in the unspeakable atrocities which accompanied the execution of those regicide judges who died at Charing Cross, nothing else than God’s justice against the foulest murder, save one, in the history of mankind ; and to him the story of those three who escaped beyond the ocean may be as romantic as the fable of the Wandering Jew. He may think he sees a divine Nemesis — slow, but terrible — pursuing them wherever they go, on the sea or the land, among friends or in lonely hiding-places, journeying through the solemn woods or resting unsuspected under some hospitable roof, living in obscurity and fear under feigned names, or hunted into dens and caves of the earth. He may think how they must have been haunted

by the remembrance of their crime — how the shadowy image of the king whom they condemned to die must have visited their dreams — how the ghastly array of that scaffold before the palace of Whitehall, with the block, and the headsman, and the eyes glaring upon them from the severed head, must have risen up before them in the hour of death.

On the other hand, there are readers of history who have learned that the great parliamentary leaders, in the conflict with Charles I., were men to whom England owes a debt of gratitude and honor not yet paid in full. To them the story of that “unfortunate king” is the story of a man who — whatever may have been his exemption from the sway of certain brutish vices, characteristic of so many kings, and whatever the royal dignity of his bearing among his courtiers — was utterly ungenerous and selfish. To them, all his story, even to its tragic ending, is the story of a man who, instead of regarding his kingly office as a trust defined by laws and charters, and to be used for the welfare of his countrymen, regarded it as a possession to be used according to his sovereign pleasure ; and who deliberately attempted to de-

stroy that hereditary liberty of his people which he had sworn to maintain. In their reading of history, that Charles Stuart was a man entirely faithless and treacherous, with whom no compact could be made which he would not violate at the earliest opportunity. Their sympathy, therefore, is not with him, nor with the men who fought under his standard when he made war upon his people. In their view, the true heroes of that crisis were the men who most persistently and most strenuously opposed the scheme for converting the government of England into a despotism like that of France or of Spain at the same period. As they read and understand the facts, the king had been false to his trust, had conspired against his people to rob them of their undoubted rights, had committed treason against the nation, had stained his soul with more than the guilt of a thousand murders, when he was arraigned for trial. Whatever may be their opinion concerning the wisdom or political expediency of dealing with him as a criminal, of pronouncing against him the sentence of death, and surprising and astounding the world by the execution of the sentence, they can understand that the judges of that revo-

lutionary tribunal may have acted in the fear of God, may have felt the pressure of a public necessity for exemplary justice on a royal traitor, and may have been impelled by the consciousness of duty to their country and to the coming ages.

If such be our interpretation of the facts, the story of the fugitive "colonels," as they were called here in New England, while it takes on a different color, gains as much of interest as it loses. Under that view, the failure of the English republic, the succession of a basely dissolute wretch to the throne which his father had forfeited, and the return of the cavaliers to power, introducing the darkest period of national degeneracy and disgrace in the history of England, are no proof that what the "roundheads" were wont to speak of in their darkest days as "the good old cause," was abhorred of God; nor is the story of those regicides who were "hanged, drawn, and quartered" at Charing Cross, and of those who escaped into the American wilderness, evidence that they were sinners above all men that dwelt in England. Those hunted fugitives may have been sustained by the belief that they had done their duty to their country. If we re-

gard them in that light, it is not more reasonable to suppose that in their flight, in the years of their obscurity, or in their loneliest hiding-places, they were haunted by remorseful memory, than to suppose that Washington, in the tranquil evening of his life at Mount Vernon, was haunted by the shade of André, and that a terrific vision of that gallows at West Point was at his bedside when he died.

Let us, then, remember how easy it is for prejudice and imagination to misinterpret the facts of history; and let us learn not to censure too harshly those whose sympathies lead them to misunderstand and deprecate historic personages whom we may deem worthy of honor, or to honor personages whom history teaches us to abhor. If a Roman Catholic insists that Mary, Queen of Scots, was a saint and a martyr — if an English tory demands like honor for her grandson Charles — if there are some who reverently cherish the memory of Laud “Archbishop and Martyr,” — let us not quarrel with them; no, not even if they denounce us for not holding their opinion. So, while we read the story of the judges who condemned a king

to the block, let us remember that the question whether they were traitors who deserved to die, or Christian patriots who had failed in a great endeavor to save their country and to make it an abode of righteousness,—is a question on which we may err without losing our souls.



CHAPTER I.

STORY OF THE GREAT CHARTER.

IN our youthful days the boys of New Haven used to look with wonder upon the four little brown stones which stood upon the public square of that city, just back of the Center Church. They were unhewn stones, weather-beaten and battered, bearing rudely-sculptured initials and dates. We knew that this portion of the square, or "Upper Green," as it was generally called, had once been the burying-ground of the town — a fact commemorated by a marble tablet inserted in the rear wall of the church. But the practice of burying here was now discontinued, and the numerous old sandstone slabs, with a few more imposing monuments of slate and marble, had been removed to the new grounds in the northern part of the town, which have since

become the populous cemetery, where repose so many of the learned, the wise, and the good of that beautiful city.

These four little rude stones, — whose were they? and why had they not been removed with the others? We were told that they marked the graves of THE JUDGES; the brave men who, two hundred years ago, had tried and put to death King Charles of England; and who, when his son came afterward to be king, fled to these little colonies, and were secreted here till they died. The story was one of mysterious interest. It carried us back to the days when New Haven, now a large and elegant city, was a little village in the wilderness; when the Indians lived among the hills looking down from the north and west; when this country belonged to England, the great, powerful, and grand nation across the sea, which had a king, and lords, and big armies of red-coated soldiers, and dreadful ships of war, and everything that was splendid and imposing. Many a time have we sat on one of these old stones and thought of the stout-hearted men who slept beneath them, the daring deeds they performed, their lonely wanderings in the woods and caves, and the faith that sustained them in the

whole, and made them seem to us like the heroes and saints of the martyr times.

We can not but think that the story of those men, and of the cause in which they acted, is worth telling anew for the benefit of the boys and girls of our own time. By the favor of God those little colonies have become a great nation. Large and populous cities have grown up where once were only woods and wild beasts, or the roving red men wilder than they. Churches, and school-houses, and great factories, and thousands upon thousands of beautiful and happy homes fill the land. Long trains of cars, laden with travelers and merchandise, speed over our iron roads, and telegraphs flash our messages from ocean to ocean in a moment of time. How the fathers who laid the foundations of our institutions would have wondered if they could have foreseen what two hundred years would bring to pass here! Let us never forget that it is to them, under God, that in great measure we owe these things. We reap the harvest of the seed they sowed. They were men who feared God. They believed, and revered, and obeyed the Bible as his Word. They prayed to him, and were sure that he heard them. They



loved the Sabbath, and kept it holy. They were grave, and temperate, and honest men. And He whom they loved and served watched over the seed they thus planted, and has given it at length such a wonderful harvest.

It was a cold winter day in the year 1649, when the proud King Charles of England was led out from his palace in London upon a scaffold, in the sight of thousands of his people, and beheaded as a criminal. In those times this was an astonishing thing to do. Kings were thought to be something more than men. Their persons were deemed sacred, as the anointed representatives of God himself. We, in our day, and in this country where we have no king, can not imagine what a shock it gave to men's minds. Mr. Carlyle says, "No modern reader can conceive the then atrocity, ferocity, and unspeakability of this fact. To be equaled, nay, to be preferred, think some, in point of horror, to the crucifixion of Christ. Alas, in these irreverent times of ours, if all the kings in Europe were to be cut in pieces at one swoop, and flung in heaps into St. Martin's Churchyard on the same day, the emotion would, in strict arithmetical

truth, be small in comparison. I reckon it perhaps the most daring action any body of men to be met in history ever with clear consciousness deliberately set themselves to do."

What had the king done, and why did they put him to death? The story is a long one, and to be fully understood we must go back a thousand years in English history.

From the times of the Anglo-Saxons, the oldest ancestors of the English nation, there has come down to us a body of laws and customs which have ever been regarded as lying at the foundation of government in our mother land, and which, for that reason, have been most carefully cherished by the people. Their design has been to make the government one of *law*, and not of the arbitrary *will* of king or noble. The Shah of Persia, who has just been making a visit to Queen Victoria, can at any moment seize upon the property of one of his subjects, or cut off his head, if he chooses; but the Queen of England — though a country vastly more powerful than Persia — can not do either. In the one case, that has to be done which the *king* says; in the other, that which the *law* says. The government of both is a monarchy, but in England

this is restrained and limited, so that every man's life, liberty, and property, unless he commits some crime, are safe.

It took a long time, however, and an immense amount of blood and treasure to establish these principles, and make them the unquestioned right of every Englishman. When the Norman Duke William conquered England, in A. D. 1066, he reduced the people to a state of slavery. He seized their lands and other property, and divided them among his followers, murdered their nobles, and ravaged whole districts with fire and sword. For a time the strength and spirit of the nation were so broken that they could make no effective resistance. But his sons and successors, William II. and Henry I., found that they could not do just as he had done, and in order to establish themselves on the throne they were obliged to make concessions to the people, and promise to observe the ancient laws ; promises, however, which were very poorly kept. Again, in A. D. 1215, there was wrung from the king the most celebrated of all such concessions, ever since known as MAGNA CHARTA.

The sovereign at that time was John, the fifth

in descent from the Conqueror;—a weak and wicked man, having all the vices and but few of the virtues of the Norman line of kings. John was engaged in a war with France, and wanted money to pay his soldiers. He did not ask the parliament to give it to him, but seized it wherever he could. He arrested the nobles and rich men, and made them pay great sums to be released, and if they refused, shut them up in prison and confiscated their estates. At that time the Jews were very numerous in England, and many of them wealthy. These he thought a fair prey, for everybody hated the Jews, and would care very little if they were plundered. A story is told of a rich Jew in Bristol who was ordered to pay ten thousand marks,—about thirty-three thousand dollars,—equivalent, at least, to three times as much at the present day. This he refused to do, and was sentenced to have one of his teeth knocked out each day till he complied. The executioner began with the double teeth, and took seven in as many days, when the victim could hold out no longer, and agreed to pay his money to save his teeth.

The tyrant summoned the heads of the abbeys, monasteries, and other religious houses to meet

him in London, and compelled them to give him large sums. He imposed a multitude of new taxes, and collected the old ones with extortionate severity. These oppressions rested on prince and peasant alike, and stirred up all classes to resistance. The great lords collected their vassals and marched up to London. At last the king was alarmed. He tried both bullying and coaxing, but in vain. The nobles were determined to get from him a solemn promise, in writing, that he would discontinue these outrages, and rule according to the laws of the land.

When the parchment containing this pledge was handed to him, he cried out profanely, "Why do they not demand my crown also? By God's teeth, I will not grant these liberties, which will make me a slave!" But he thought better of it when he saw the resolute spirit of those mailed warriors, and found himself almost deserted by his friends; only seven knights of all his court remaining near his person. He finally agreed to meet the barons, and grant their request. The place of meeting was a beautiful meadow, called Runnymede, on the banks of the Thames, not far from the royal palace of Windsor. The parchment scroll was presented to

the king in the presence of the assembled nobility, and received the royal signature and seal.

This GREAT CHARTER formally defined the fundamental principles of justice, and solemnly guaranteed their observance. Two articles were specially important. One of them declared that "*no free man should be arrested, or imprisoned, or dispossessed of his tenement, or outlawed, or exiled, or in any way proceeded against, unless by the legal judgment of his peers, or by the law of the land;*" the other, that "*the right of imposing taxes upon the people or their property, should be possessed by parliament alone.*" Other articles pledged the king to appoint upright judges, to restore to their owners all estates unlawfully seized, and to permit every free man to dispose of his property by will, and not have it taken by the crown, and that no officer should seize any horses, carts, or wood, without consent of the owner, &c.

Four hundred years passed away, during which these laws were for the most part observed. Many stirring events and many great changes took place. Dreadful wars, called the "Wars of the Roses," broke out among the nobles, who were rival claimants to the throne, and were continued for

many years, until both parties were exhausted, and the entire noble order was almost destroyed, preparing the way for the elevation of the common people to a higher degree of freedom and influence than they had before known. Henry VIII., called "Bluff King Hal," quarreled with the Pope, and abolished the Roman Catholic church and its institutions out of the land. "Bloody Queen Mary," his daughter, restored them, and persecuted and burned the Protestants in turn. "Queen Bess," as the people styled her, by her wise reign made the kingdom rich and prosperous at home and powerful abroad.

During this long succession of sovereigns, and amid these great changes, the English people continued to look carefully after their Great Charter. True, it was often broken. The kings were apt to be restive under its restraints, and not unfrequently dared to disregard or even defy it; but there always came times of difficulty and straitness, when they were compelled to recognize and reaffirm it. No fewer than *thirty-two times*, in these four hundred years, was it solemnly renewed as the fundamental law of the realm.

It must not be understood, of course, that this

famous document was a perfect guarantee of liberty in the modern sense of the term. It did not emancipate any slaves, of whom there were a great many at that time, nor did it undertake to protect them in any degree whatever. It established no theoretical equality of all men, nor any safeguard against injustice of other kinds than those mentioned. Freedom's day, as we understand it, had not yet risen upon mankind ; the transactions at Runnymede were only the first rays of its dawn. They were, nevertheless, of very great importance as recognizing the principle of restricting the sovereign's power, and they were harbingers of a still more glorious future, which, by God's favor, should ultimately bless the nation and the world.





CHAPTER II.

ILLEGAL ACTS OF THE KING.

WHEN Queen Elizabeth, who was never married, died, she had no son to succeed her; so the English went to Scotland for a king. James, the son of the beautiful and unfortunate Mary Stuart, was then — 1603 — already on the Scottish throne, and was chosen to be the sovereign of England. He, his son, and his two grandsons, who reigned in succession, constituted the Stuart dynasty. For more than fourscore years they tyrannized over the country that adopted them, till their oppressions and vices made them no longer endurable, and the family was at last expelled, to return no more.¹

James was a very vain man, very learned in his

¹ Queen Mary II., Princess of Orange, and Queen Anne, Princess of Denmark, were daughters of James II., but are not commonly included in this dynasty.

own fashion, but very weak. He thought himself, however, another Solomon, and often likened himself to that wisest of men ; but many of his people, nevertheless, thought him very near a fool. He came into England with the most extravagant ideas of the exalted sanctity and dignity of a king. His courtiers and flatterers, of whom he had a great many, constantly supported these pretensions, and declared that they were true. They said he was king by the grace of God ; as such, that he could do no wrong ; that he was the Lord's anointed, his person was sacred, and his royal majesty divine. In a stupid book which he wrote and published, he declared that "the duty of a king was to command, that of a subject to obey, in all things ; that kings reigned by divine right, and were raised by the Almighty above all law ; that a sovereign might daily make statutes and ordinances, and inflict such punishments as he thought meet, without any advice of parliament or estates ; that general laws made publicly in parliament might by the king's authority be privately mitigated or suspended upon causes known only to himself ; and that, although a good king will frame all his actions to be according to the law, yet he is not bound thereto but of his

own free will and for example-giving to his subjects."

Nor was this mere idle talk ; it was put into practice whenever his pleasure required it. On his way from Scotland to assume his crown, he ordered a person suspected of theft to be hung without judge or jury. "Do I make the judges ?" he exclaimed. "Do I make the bishops ? Then, God's wounds ! I make what likes me, law and gospel ! "

In accordance with these notions, when issuing the summons for his first parliament he undertook to tell his people whom they should and should not choose to be members of it. He commanded them "to avoid all persons noted in religion for their superstitious blindness one way, or their turbulent humor other ways ;" that is, they should not elect either Catholics or Puritans. He ordered that if any returns were made of members contrary to these instructions, they should be set aside as null and void, and the cities and boroughs which had elected them should be fined, and the persons themselves fined and imprisoned.

The House of Lords swallowed these extravagant claims, but the Commons rejected them. Not-

withstanding the king's order, not a few of the Puritans had obtained seats in that body, and they did not scruple to dispute his right to judge of their qualifications or dictate their proceedings. But the time had not come for an open quarrel between them ; so, with some mutual concessions, the matter for the time was dropped.

A few years later the same pretensions were put forth again. James imposed taxes of various sorts upon the people, which many of the members declared were illegal. When the parliament ventured to discuss the matter, he sent them an angry message, commanding them "not to meddle with anything concerning our government and deep matters of state," and declaring that "we think ourself very free and able to punish any man's misdemeanors in parliament as well during their sitting as after ; which we mean not to spare hereafter upon any occasion of any man's insolent behavior there." Finally, he summoned both houses to his palace at Whitehall, and read them a long lecture. "Kings," said he, "are justly called gods" (referring to Psalm lxxxii. 6), "for that they exercise a manner or resemblance of divine power on earth ; for if you will consider the attributes of

God, you shall see how they agree in the person of a king. God hath power to create or destroy, to make or unmake, at his pleasure ; to give life, or send death ; to judge all, and to be judged nor accountable to none ; to raise low things, and to make high things low, at his pleasure ; and to God both soul and body are due. And the like power have kings : they make and unmake their subjects ; they have power of raising and casting down, of life and of death ;—judges over all their subjects and in all causes, and yet accountable to none but God only. They have power to exalt low things and abase high things, and make of their subjects like men of chess,—a pawn to take a bishop or knight, and to cry up or down any of their subjects as they do their money. And to the king is due both the affection of the soul and the service of the body of his subjects.” He told them further that it was “sedition in his subjects to dispute what a king might do in the plenitude of his power ;—that kings were before laws, and that all laws were granted by them as matter of favor to the people.”

These preposterous assertions called forth anew a strong protest from the parliament. First, they said it was their privilege to talk of what they

pleased ; — “ it was an ancient, general, and undoubted right of parliament freely to debate all matters which do properly concern the subject.” Then, as to making laws,— it was to be done “ with the assent of parliament ; and not otherwise.” They told the king further, “ that the people of this kingdom had been ever careful to preserve these liberties and rights when anything had been done to prejudice them ; that his Majesty’s most humble Commons, following the example of their ancestors ” (a very significant allusion to Runnymede and Magna Charta), “ and finding that his Majesty, without advice or consent of parliament, had lately, in time of peace, set both greater impositions and far more in number than any of his ancestors had ever done in times of war, with all humility presume to petition that all impositions set without assent of parliament should be quite abolished and taken away, and that his Majesty, in imitation of his noble progenitors, would be pleased that a law be made during this session of parliament declaring that all impositions or duties set, or to be set, upon his people, their goods or merchandise, save only by common consent of parliament, are and ever shall be void.”

Such was the nature of the dispute between this arbitrary house of Stuart and the English people. The king meant to do as he pleased, without let or hinderance of anybody, as did the absolute monarchs of France and Spain ; the parliament meant he should reign according to law, and especially that he should respect and observe the requirements of the Great Charter. We shall see, by and by, how the dispute ended.

But there were other causes of trouble beside this. In those days, one of the matters which governments had most to do with was religion. Now, everybody professes what religion he chooses, or none at all, and the government does not, in most countries, concern itself about it. But then, inasmuch as a man's belief most influences his conduct, it was thought to be of the very first importance that his opinions should be regulated by law. The law prescribed what every man should believe, where he should go to church, and how he should worship, even the very words of his prayers and his praises, when he should stand, when he should kneel, and when he should sit. The king appointed the bishops, and through them all the ministers in the land. To preach, or to

hear anybody preach without authority ; to attend any but the established meeting, or to neglect attending that ; to say any words in worship, to practice any ceremony, or to hold any opinion whatever, except what the law permitted, was a crime to be punished by fine, by imprisonment, and even by death. And the king himself claimed the right to order all these things by his own authority, and to inflict such penalties for disobedience as he pleased ! Most monstrous claim for any man to make, be he king, prelate, or pope.

James had been brought up among the Presbyterians of Scotland, and while he remained there had been obliged to conform to their church. Once, in 1590, he had stood up in their General Assembly in Edinburgh, with his hat off, and his hands lifted up to heaven, and said he "praised God that he was born in the time of the light of the gospel, and in such a place as to be king of such a church, the purest kirk in the world." But in his heart he hated it,—its austere creed, its long sermons and prayers, and, most of all, its rigid morality, its opposition to swearing, drinking, and lewdness. "I protest before the great God," he wrote to his son Henry, "that ye shall never find

with any highland or border thieves greater ingratitude, and more lies and vile perjuries, than with these fanatic spirits. Suffer not the principal of them to brook your land if ye list to sit at rest ; except ye would keep them for trying your patience, as Socrates did an evil wife." His mother had been a Catholic, and the Stuart family were always inclined to that faith ; but James knew that after the reign of "Bloody Mary," neither Scotland nor England would tolerate a Catholic king again. While, therefore, he adhered to the church as established by Elizabeth and her father, Henry VIII., he resolved to render it as much like the Catholic church as possible. He was the head of it, and he would make all his subjects conform to it.

When the leading Puritan divines came to petition him for some liberty as to the modes and forms of public worship, he cried out, "I will none of that ! I will have one doctrine and discipline,—one religion in substance and ceremony." He treated them at the same time with shameful insolence. He argued, he ridiculed, and he scolded. "If you aim at a presbytery," he said, "it agreeth with monarchy as God with the devil." When the venerable minister who had spoken for the rest

was silent under his violence, James cried out, "Well, doctor, have you anything more to say?" The doctor replied, "No, your Majesty." Then the king told him that if he and his fellows had reasoned thus lamely in a college, and he, the king, had been moderator, he would have had them fetched up and flogged for dunces; that if this was all they could say for themselves, he would have them conform, or harry them out of the land, or else do worse. He made his boast of his treatment of them afterward. "I peppered them soundly," he said; "they fled me from argument to argument like school-boys."

These threats of enforced conformity were carried out against dissenters of every class. Puritans on the one side, and Catholics on the other, were made to feel the strong hand of power. Three hundred clergymen were turned out of their livings; ten, who had merely signed a petition to the king, were put into prison; spies were sent to ferret out prayer-meetings and conventicles, and soon the jails were full of prisoners. Fines, confiscations, and torture by the rack were very common. Two persons were burned alive for heresy, and a third was condemned, when such an outcry was made

by the nation that the sentence was not executed. "The king," says Fuller, "preferred the heretics should silently and privately waste themselves away in prison." In Scotland James's conduct was still more arbitrary. He went up to Edinburgh ; dismissed the General Assembly of the kirk ; forbade the ministers from meeting, and when they disobeyed him, had them arrested and punished for high treason ; appointed bishops and archbishops, and so far as was possible, set up the English church system throughout that kingdom, all by virtue of his own prerogative alone, without the shadow of authority by law. To crown the whole, he instituted High Commission Courts, after the pattern of that most oppressive and infamous tribunal in England, and gave them power, at discretion, to fine, imprison, banish, or otherwise punish anybody that should refuse to submit to his proceedings.

In addition to this stretch of royal power in both civil and spiritual matters, James disgusted all the better classes of his people by the scandalous immorality which he either practiced or connived at. During this visit to Scotland he had been greatly annoyed with the strict way in which they

kept the Sabbath in that country ; so, on his return, he issued his famous "Book of Sports," authorizing and commanding the practice of a great variety of plays, games, &c., on Sundays, after divine service. The reasons assigned for it were twofold : first, to promote the conversion of the Catholics, by alluring them to so cheerful a religion ; and secondly, to accustom his people to "such exercises as may make their bodies more able for war, when his Majesty or his successors shall have occasion to use them." He ordered, therefore, that "after the end of divine service his good people be not disturbed, letted, or discouraged from any lawful recreation, such as dancing, either men or women, archery for men, leaping, vaulting, or any other such harmless recreation ; nor from having of May-games, Whitsun-ales, and Morrice-dances, and the setting up of May-poles and other sports therewith used, so as the same be had in due and convenient time, without neglect or impediment of divine service ; and that women shall have leave to carry rushes to the church for the decorating of it, according to their old custom." These privileges, however, he strictly limited to those who had been to church, "recusants, either

men or women, being unworthy of any lawful recreation after the said service." A pretty sure way this to make people attend divine worship, by promising them merry times on the church-green after it! He added, that "his Majesty's pleasure likewise is, that the bishop of the diocese take strict order with all the Puritans and Precisions within the same, and either constrain them to conform themselves, or to leave the country, according to the laws of this kingdom and canons of this church."

Of course, the king practiced what he preached. On one occasion, when he had a visit from his brother-in-law, the King of Denmark, both those "mighty princes" got so drunk, that his English Majesty had to be carried to bed in the arms of his courtiers, and his Danish majesty lost his way to his chamber, and committed great indecencies. The guests would naturally follow so high an example. "Men," says an eye-witness, "who had been shy of good liquor before, now wallowed in beastly delights; the ladies abandoned their sobriety, and were seen to roll about in intoxication." James divided his time, for the most part, between hunting, of which he was excessively fond,

and drinking ; indeed, he contrived to combine the two, for when he was hunting he kept an officer as near him as possible with a bottle of wine, ready to fill the king's cup whenever he called for it. No matter how pressing the public business, it had to wait for his sport. One day some persons caught one of his hounds, and tied a paper about his neck, on which was written, "Good Mr. Jowler, we pray you, speak to the king, for he hears you every day, and so doth he not us, that it will please his Majesty to go back to London, for else the country will be undone." Mr. Jowler carried the petition, but it did no good ; a whole fortnight passed before he would go. The king grew so fat and stupid with drinking that he had to be "trussed," or tied on to his horse, when he went out, and "as he was set, so would he ride, without otherwise poising himself on his saddle ; nay, when his hat was set on his head, he would not take the pains to alter it, but it sat as it was put on." All this time he was never addressed in any other terms than "his most sacred Majesty," "most wise," "most learned," etc.

When not hunting, James generally lay in bed, too indolent to attend to any matters of state which

he could avoid. He wrote to his council that he "desired them to take the charge and burden of affairs, and foresee that he be not interrupted nor troubled with too much business." He even declared that he would rather go back to Scotland again, than be chained forever to the council table.

His costume was in keeping with his character. A book on hunting, published in his reign, shows him as he appeared in his favorite amusement. "He was dressed all over in colors green as the grass, with a little feather in his cap, and a horn instead of a sword by his side." His breeches were of enormous size, laid in great plaits and stuffed ; and his doublets or jackets quilted to protect him from assassination.

You may well imagine how much the religious people of the kingdom were scandalized by such a specimen of "Majesty" as this. Even the French ambassador wrote home to his master, "Consider, for pity's sake, what must be the state and condition of a prince whom the preachers publicly from the pulpit assail ; whom the comedians of the metropolis bring upon the stage ; whose wife attends these representations in order to enjoy the laugh against her husband ; whom the parliament



JAMES I. IN HUNTING COSTUME. Page 38.

braves and despises ; and who is universally hated by the whole people. My lot is fallen on a kingdom without order, sunken from its glory and age, smitten from repose ; on a king devoted to his own nothingness, and whose principle it is only so far to strive for the good of his subjects as may give him facilities for plunging himself deeper into vice of every kind."

During nearly all his reign he was under the influence of his favorites, who, having the skill to steal his affections, used their power over him to make him do whatever they pleased. First, he took a fancy to a bright-eyed Scotch boy by the name of Carr. He appointed him his page, gave him rich clothes and jewelry, made him a knight and gentleman of his bed-chamber, and bestowed upon him all sorts of foolish caresses. Of course, the young man flattered his vanity, and did everything he could to please him. The courtiers began to see that if they wanted anything of the king, they must ask Carr for it. So they gave him presents, and bought his influence with money. James made him a viscount, and a member of the Order of the Garter ; then lord chamberlain of England, and virtually his prime minister ; and lastly, Earl



of Somerset. Then, when the young man, having committed so many crimes that he grew melancholy under the lashings of conscience, lost his power of amusing the king, the latter took up a new favorite. He was tall and graceful, and with so handsome a face, that James said he must look as the martyr Stephen did when the Jews were about to stone him (Acts vi. 15), and led by this strange whim, he called him "Stephen," or, more frequently, "Steenie." The king took him into his service, heaped upon him riches and honors, made him a viscount, and master of the horse, and finally Duke of Buckingham. He acquired such a control over his royal master, that he became in truth the real ruler of the kingdom. His character and life were as bad as they well could be. He sold offices and pensions ; he made the judges and courts, and, to a large extent, parliament itself, do as he said. He despised religion and its faithful ministers, and insulted, disgraced, and punished them at his pleasure. He was so proud and haughty that everybody hated him ; he even carried his insolence so far as to make fun of the king himself, calling him "Dear Dad and Gossip," and "Your royal Sow-ship." He was now the

chosen and boon companion of Prince Charles, the heir apparent, and the king used to treat them as if they were both his sons, lavishing upon them all manner of coarse and silly fondness, and calling them his "Baby Charlie," and "Baby Steenie."

For twenty-two long years the English nation had to endure such a reign as this, and then the weak, vain, and heartless king died. We should not have dwelt so long upon it, if it were not necessary to show in what a school Charles, his successor, had been brought up, and what sort of example had been left him by one to whom he might naturally look up as to a father. Before we leave him, however, it is no more than just to mention one thing which stands out in bright relief from the dark background of folly and cruelty which this reign exhibits; and that is, our English translation of the Bible. One of the things which the Puritan ministers asked of James in the famous conference near the beginning of his reign, was that he would take measures to secure a revision of the existing version. Fortunately, this suggestion happened to please him, and he appointed a commission of fifty-four of the most learned men in the kingdom to undertake the work. It was begun in 1604, and

finished in 1611, and although not at all a new translation, but only a revised and corrected edition of a version already in use, was one of the noblest and most beneficent works of that century. We can almost forgive him the wickedness and disgrace of the rest of his administration for the good that has resulted, and is still to result, from this.

Charles, the second son of James (Prince Henry, the elder, having died), became king on the death of his father, in 1625. He was then in the twenty-fifth year of his age, handsome in his person, gentlemanly in his manners, and with many princely accomplishments. But he had been trained in the school of tyranny, and was not a whit behind his father in the practice of it. He had far more intellectual ability, and more common sense, but he cherished the same extravagant opinions about the divine rights and powers of a king. He was surrounded, too, by the same vile crowd of flatterers, who fostered his vanity, and incessantly spurred him forward in the dangerous course his father had been pursuing of plundering and abusing his people. He was more decent in his personal habits, yet none the less a dissembler and deceiver. Both of them seemed to think that lying was one

of the first qualifications for reigning. James, indeed, used to call it "kingcraft," and boast how cunningly he contrived, by means of it, to manage the nation. They gave the most solemn promises without a thought of performing them ; they swore "upon the word of a king," and broke their oath, without the least compunction, the moment it was convenient to do so. Indeed, it was this which, more than anything else, seems to have finally cost Charles his head. When he found himself in extremities, and saw that the temper of the nation could no longer be trifled with, he promised very solemnly that he would reform his practices ; but it was too late. They had learned by long and bitter experience that he was not to be trusted, and all his professions went for nothing. They made up their minds that only *one thing* could cure his Majesty of lying, and they tried it ; and ever since, the English kings have remembered and profited by the lesson.

Of course, the first thing that Charles must do, when he came to the throne, was to convene his parliament, and ask them to supply him with the proper revenues. He was in debt, and he wanted to prosecute the war with Spain, which his

father had left him. The parliament were willing enough to do this, but first they wanted to have the grievances under which the nation had suffered so long redressed. So they made him a gift of money, and the usual taxes ; but instead of settling these upon him for life, they limited them to one year. Charles was very angry at this, and dissolved the parliament at once, before it had been in session three weeks.

Next year he was obliged to convene them again, and, hoping to overawe them, sent one of his great lords to make them an opening speech in his name. He reminded them of the "incomparable distance between the supreme hight and majesty of a mighty monarch and the submissive awe and lowliness of loyal subjects," and told them that "that high majesty did descend to admit, or rather to invite, his humble subjects to conference and counsel with him in parliament." But the House of Commons cared nothing for such talk ; they had heard it too often in the last thirty years. So they went to work, the first thing, at the public grievances, and drew up a complaint mentioning sixteen "capital abuses," all fatal to the liberties of the people. It would not do to charge these against

the king himself; so they threw the blame of them upon the royal favorite, the profligate Duke of Buckingham. Charles hurried to the House of Lords to defend the duke; but seeing that the Commons were as resolute as he, and that he could get no money from them, he broke up the session, and sent parliament home again.

Then the king and his courtiers set themselves once more to devise ways and means to get money. Some of the most noted of these methods were the following:—

First, he would still collect the tax called “tunnage and poundage,” which had long been accustomed to be granted to the kings for life, but which, as I have said, had been voted to Charles for but one year. This was a sort of tariff of duties upon goods bought and sold, being rated at so much a *tun*, if liquid measure, and so much a *pound*, if by weight. Another method was by fines, which were imposed for all sorts of offenses, and instead of all other kinds of punishments. No matter what the crime was, if a man was only able to give a good round sum to the king, it was accepted in the place of everything else. Hundreds of persons were arrested for pretended offenses, on suspicion,

or the information of spies and professional accusers, and cast into prison, from which money alone could release them. Very similar to these were forced loans, or, as they were styled, "benevolences." Persons, corporations, and even towns and cities, were compelled to lend money to the king, which, of course, he never dreamed of repaying. A very common and lucrative resource was to sell offices and commissions. Great numbers of persons were forced to receive the order of knighthood, and then to pay monstrous fees to his Majesty for the honor. Monopolies yielded large revenues. Patents were granted to certain parties, giving them the exclusive right to make or to deal in particular kinds of goods, or to carry on some trade; in return for which such or such a per cent. was paid to the king. For instance, he chartered a company of soap-makers, and gave them the sole right to manufacture soap, and to ask for it what they chose; in return for which they paid him ten thousand pounds at once, and a duty of eight pounds on every tun of soap thus disposed of. Then the starch-makers bought a similar privilege, and so on, till there was scarcely any trade or manufacture carried on in the kingdom which was not made a monopoly.

One of the most famous of these taxes, and one which had most immediate connection with the downfall of the king, was what was called "ship money." He pretended that the country was liable to be invaded by sea, its commerce interrupted, and its merchandise plundered by pirates and Turks, and therefore called upon the sea-coast towns, and afterward upon all in the kingdom, to contribute ships of war, manned and equipped, or, in place of them, sums of money which might purchase them, for the defense of the realm. The city of London was required to furnish seven ships, having an aggregate of four thousand tuns and seventeen hundred and sixty men, with full supplies, and to support them for six months. Assessments for this purpose were laid on all the citizens there and throughout the country. A similar tax was laid for the equipment and pay of a land force, which was called "coat and conduct money."

Nor was the king without the means of enforcing these taxes. The judges of all the courts were appointed by him, and he took care that these should be persons who would decide all cases in his favor. If any were disobedient, and did not please him, they were turned out of office, imprisoned,

fined, or otherwise punished as he saw fit. But beside the regular law courts, there were two extraordinary tribunals, which for their abuses and cruelties became specially infamous, and their very names will remain synonymous with injustice while the language endures. These were the Courts of the Star Chamber and the High Commission.

The former was simply the king's Council of State, or, in modern phrase, his ministers, who sat for the purpose of judging criminal cases in what was called the "Star Chamber." It held its sessions in secret, and had been empowered by law, or had usurped the power, to try all sorts of alleged offenses, and to punish them at discretion. The members of this court were appointed by the king, and held their office at his pleasure ; of course they were the ready tools for doing anything he wished to have done. The High Commission Court was in theory a spiritual one, having special jurisdiction of religious matters, and was designed to punish all those who refused to conform to the established religion and its rites and requirements. It consisted of a body of commissioners appointed by the sovereign for the express purpose

of searching out all offenses of this kind, and armed with the fullest powers, to try, and even to torture, all suspected persons, and, if found guilty, punish them as they saw fit. Thus by its very constitution it was, like its sister court, a fitting instrument for executing every species of tyranny. They were two engines of arbitrary power, which, as an able historian remarks, "perhaps never were surpassed by any contrivance of government to keep the people in continual awe of the sovereign authority."

There was also a tribunal in the north, called the Council of York, of which the Earl of Strafford was president, which was invested with almost unlimited power over that part of the kingdom. We are informed by Clarendon that there was hardly a man of note in the realm who had not personal experience of the harshness and greediness of the Star Chamber, that the High Commission had so conducted itself that it had scarce a friend left in the kingdom, and that the tyranny of the Council of York had made the Great Charter a dead letter to the north of the Trent.¹

It should be said here, in Charles's behalf, that

¹ Macaulay, Hist. vol. i. p. 69.

neither these illegal taxes nor these infamous tribunals for enforcing them and punishing all who were disobedient were invented by him, or first put in operation in his reign. They had, as already intimated, been resorted to by his father and other predecessors for a great many years, and had often occasioned outbreaks of discontent and resistance. But the practice of them had not been so habitual as now, nor accompanied with so much to irritate the people. Besides, there had previously been something in the characters or circumstances of the sovereigns which made the nation more tolerant of such wrongs. Henry VIII. was engaged in his desperate contest with the Pope, and if he was occasionally cruel, it was mostly toward those who opposed his great work of reformation. His young son, Edward VI., was a pious prince, greatly beloved by all except the enemies of Protestantism. Elizabeth was able and wise, conducting the affairs of the nation so as to render it prosperous at home, and powerful and respected abroad. Besides, she knew how far she could go in her exactions, and had sense enough, when she saw the storm coming, gracefully to yield. But in the case of James and Charles there was nothing,

either in their acts or their characters, to compensate for their tyranny. James was a coward and a miser, and the brave English despised as well as hated him. They painted a picture of him as wearing a scabbard without any sword, and another as having a sword fastened *into* its scabbard so that it could not be drawn out though several persons were tugging at it. Charles, besides his haughtiness and his insincerity, disgusted his people with the manner in which he carried on the war with France, in which his armies were soundly whipped, and his fleet, under the command of his favorite the Duke of Buckingham, sent home in disgrace. He entered, too, upon his course of illegal exaction in a more systematic way, and carried it forward more thoroughly than had ever been done before. Indeed, this was the word, "thorough," which his favorite after Buckingham's death, the great Earl of Strafford, and his ally, Archbishop Laud, invented as the name of the policy of government the king was pursuing. He was to be *thorough* in collecting the taxes; *thorough* in imprisoning, fining, and torturing all that refused him; *thorough* in browbeating and putting down parliament; all his proceedings in carrying out his

policy should be thoroughly done, and "thorough" should be its name. So, at last, the patience of the nation was exhausted. They saw it was not occasional acts, as under his predecessors, but a fixed, deliberate plan of lifting himself above all law, and becoming an absolute and irresponsible monarch. And so they took him in hand, thoroughly, too, and finally taught him and his mistaken advisers so thorough a lesson on that point that there is no danger that it will soon be forgotten again.

It was two years before Charles could be persuaded to convene another parliament; and when he did, it was not in a temper to make them submissive to his demands. "I have called you together," said he, "judging a parliament to be the ancient, the speediest, and the best way to give such supply as to secure ourselves and save our friends from imminent ruin. Every man must now do according to his conscience; wherefore if you (which God forbid) should not do your duties in contributing what this state at this time needs, I must, in discharge of my conscience, *use those other means* which God has put into my hands to save that which the follies of other men may

otherwise hazard to lose." The king's minister also said that the king his Majesty had chosen a parliamentary way to obtain supplies, not as the only way, but as the fittest; not because he was destitute of other means, but because this was most agreeable to the goodness of his own most gracious disposition. "If this be deferred," he haughtily added, "necessity and the sword of the enemy make way to the others. Remember his Majesty's admonition; I say, remember it."

This was not just the right sort of talk to address to an English parliament, and he soon found it out. They did not threaten back; they passed an act giving him the needful money, but resolved also that it should not be paid till he had formally recognized the rights of the people as guaranteed by Magna Charta, and pledged himself to redress abuses. For the purpose of adding weight to the measure, they put it into the ancient form of making a law, viz., a solemn petition to the king, expressing their desires, to be ratified by his assent and signature. It consisted substantially of four articles:—

1. That no man should hereafter be compelled to make or pay any gift, loan, benevolence, tax, or

such like charge, without common consent by act of parliament.

2. That no free man should be arrested or imprisoned but in due process of law, and that if so imprisoned, he should be entitled to the writ of *habeas corpus* for his relief.

3. That no soldiers or sailors should be quartered upon any person without his consent.

4. That no person in time of peace should be tried or punished in any form by martial law.

This great PETITION OF RIGHT, as it was called, was sent up to the king for his approval. One would think he would not hesitate to grant it, unless he *meant* to be a tyrant. But he did, and sent it back not approved in the usual form of a law, but indorsed with a general statement that his Majesty would have right done according to the laws and customs of the realm, and that his subjects should have no cause to complain of any wrongs or oppressions. This was not satisfactory. The House saw in a moment that it was a designed evasion ; so they got the Lords to join them in asking for a more definite answer. Charles, finding that no business would be done till this was granted, finally yielded. He came into the par-

liament, and, the Petition of Right being read to him, replied, in the usual old Norman form, "*Soit droit fait, comme il est désiré.*"¹ "Whereupon," we are told, "there was a general shout, both of the Lords and Commons."

This was his Majesty's golden hour. The people would have responded to those shouts all over the kingdom ; they would have forgiven all the past both in his own and his father's reign, and have granted him everything in the way of loving homage and support he ought to have desired, if he had only been sincere in confirming, and afterwards in observing, this great law. But, alas ! neither of these was true. He was not sincere in assenting to it. He did not mean to keep it. He wanted to get his money, and he thought it a nice piece of "kingcraft" to do it by deceit and treachery. If he lost his head in consequence, whom had he to blame but himself ?

Parliament was now in good humor, and proceeded to give the king his taxes. Before, however, they passed the act for tunnage and poundage, they thought it necessary to remonstrate against the manner in which it had previously been

¹ Let right be done, as is desired.

collected, without authority of law. This made him very angry, and he suddenly called them before him, and said he would not hear any more remonstrances; tunnage and poundage was his by ancient prerogative, and was not included in the Petition of Right. So saying, he prorogued the parliament, and dissipated in a moment all the bright hopes which had begun to dawn upon the nation.

Then he went on collecting the money, and punishing, through his tyrannical courts, those who refused to pay it, just as before. When the parliament came together, they protested against it, and also against certain illegal doings of Laud and his bishops. Charles was angry again at this, and sent a message commanding adjournment for a week. The House refused, saying that it was for them, and not for the king, to adjourn them, and proceeded to complete their remonstrance against tunnage and poundage. But the speaker refused to put it to vote, saying the king had forbidden him to do so. This made a new excitement. Two of the members seized the speaker and held him in his chair. He burst into tears, and blubbered out, "I will not say I *will* not put the vote, but I

dare not." Meanwhile the door was locked, so that neither he could get out, nor the king's messenger, the "black rod," could get in. The remonstrance was then read, and passed by the shouts of the members. By this time the king had sent a force to break down the doors, but the Commons had finished their work and opened of themselves, when instantly their dissolution was pronounced. Charles was now in a rage. He called his opponents *vipers*, and finally dared to arrest nine of the foremost; and commit them to prison. Their houses were searched, their private offices broken open, and their papers seized. Three of these were tried in the Star Chamber Court for seditious talk against the king, were fined from five hundred to two thousand pounds apiece, and ordered to lie in prison as long as the king pleased.

The king, under the bad advice of his ministers, now determined to do without parliament altogether. From 1629 to 1640 he did not once call them together, but went on with the government in his own bad and unlawful fashion. It would be tedious to relate what wrongs were done under his sanction and by the aid of his infamous judges

and courts. All the old ways of getting money were practiced, and a great many new ones, equally unlawful, were contrived. His father had taken it into his foolish head that the plague in London had happened because the city was so big, and resolved that it should not grow any more. He issued a proclamation forbidding any new houses to be built there. Charles revived this idea, and imposed heavy fines on all such houses, and ordered the houses themselves pulled down. One of the most prolific sources of gain was from fines and confiscations of those who were opposed to the established church and its ceremonies. They were brought before the High Commission Court, and not only deprived of their property, but subjected to the most barbarous punishments. One Puritan minister, for writing a book against the queen and her bishops, was publicly whipped, put two hours in the pillory, his ears cut off, his nostrils split, and both cheeks branded, with a hot iron, **S S**, i. e., "Sower of Sedition," then ordered back to his dungeon, to lie there for life. Another man, a lawyer, for writing a book against the theater and plays, which was thought to be disrespectful to the king, was fined ten thousand

pounds, branded in the forehead, and had his nose slit and his ears cropped. Even one of the bishops of the established church was repeatedly fined very heavy sums for his opinions, and ordered to be imprisoned in the Tower of London during the pleasure of his Majesty.

So, all over the kingdom, the course of illegal exaction of moneys, and of cruel punishments under the supple tools of tyranny, went on. There was no parliament to restrain it. The ancient laws of the land, the sacred and oft-confirmed Magna Charta, and the great Petition of Right which Charles himself had solemnly ratified, were wholly disregarded and violated. But at length, one man, eminent for his high character, his ancient family, and his wealth, dared to come forth in open resistance, and to take issue with the king, before the nation, in the highest court of law. This was the famous John Hampden. He refused to pay the ship-money tax which had been laid upon him, and defended the suit in a public trial before the court. All the opponents of the king's tyranny gathered round him with their sympathy and support. Thirty other gentlemen among his neighbors also refused to pay the tax, and made common

cause with him. The king dared not treat him with his customary violence, and was obliged to let the case abide the issue of trial. But he knew well the character of his judges ; indeed, he had extorted an opinion from them beforehand in favor of the legality of the tax. Mr. Hampden, as might have been expected, lost his case before the court, but won it before the nation. An excitement was awakened, a resolute spirit of resistance created not only against the ship-money, but all the other unlawful taxes, which was never abated till they and their author were swept away forever.

It was during these days that so many of Charles's subjects left the country to find an asylum in New England. It is estimated that no fewer than four thousand persons, in these ten years, came hither, and founded the little colonies which have now become rich and populous states. It is said that seven ships at one time lay in the Thames ready to set sail, among whose passengers were Hampden and his cousin OLIVER CROMWELL ; but the king, growing jealous of the departure of so many of his subjects, issued his proclamation forbidding any more to leave without his permission. Ah, he little knew what a mistake was that !

He had better have let them go ; nay, if necessary, have sold his crown itself to raise money to help them away.

And now another wild scheme of the king's was entered upon. His father's attempt to establish Episcopacy in Scotland, by force solely of his royal prerogative, had, as might have been expected, proved an utter failure. The spirit of John Knox, who had confronted his grandmother, Mary Queen of Scots, with such indomitable courage and zeal, still prevailed through that nation, and they would never submit to any dictation from abroad in matters of religion. But Charles and his minister, Archbishop Laud, conceived the project of carrying out and perfecting James's undertaking. Up to Edinburgh he went, had himself crowned King of Scotland, re-established the dioceses and bishops, appointed a service-book for public worship, and ordered it to be used in all the churches of that kingdom. The Scotch protested against all this as a violation of their rights, and as wholly illegal, but all to no avail. On Sunday, July 23, 1637, the day appointed for the new service, an immense crowd gathered at St. Giles's church in Edinburgh, which Laud had converted into a cathedral. All

the bishops, lords, and magistrates were present. But no sooner did the Dean begin to read the service, than an uproar broke out. The people clapped their hands and hooted; they threw sticks at the head of the clergyman. One strong woman, named Jenny Geddes, caught up her joint-stool and hurled it at his head, crying, "A pope! a pope! D'ye say the mass at my lug."¹ The stool did not hit him; otherwise, says quaint old Fuller, "the same book might have occasioned his death, and prescribed the form of his burial." All through Scotland the new service was received in much the same way. Charles was terribly offended, and forbade the holding of any other divine service till his pleasure was made known; and to punish the people of Edinburgh he ordered that the seat of government should be removed to Stirling.

Immediately all Scotland was in commotion. The people everywhere ran together to renew the old "National Covenant" which had been made some fifty years before against Popery, in which they bound themselves never to submit to what they called idolatry, or to any of the rites, cere-

¹ Scotch word for *ear*.

monies, or usages identified with it, or to any foreign prince, prelate, or authority whatsoever. Long and fierce were the debates and contentions that followed. The king tried every means to browbeat, to cajole, and to bribe the nation. He assured them of his good intentions ; he promised that if they would give up the covenant, he would withdraw the most obnoxious part of his scheme ; he stormed and threatened, but in vain. The excitement increased. Hearing that the king was gathering troops to compel their obedience, the Scots, too, began to arm. The strong castles of Edinburgh, Stirling, Dumbarton, etc., were seized and manned, and finally an army of not less than twenty thousand men took up their march toward the border to meet Charles before he should leave England. He was not able to raise an equal force, but his troops advanced to the line, and then a parley was had. After a great deal of negotiation, a sort of peace was patched up ; but it was soon broken. Charles did not mean to keep his promises, but only to gain time.

The king was now in straits on every hand. His proceedings in Scotland had increased, if possible, his unpopularity at home ; his council



and supporters were quarreling with each other, insults had been offered the nation from abroad, and how to get on further he did not know. Finally, with great reluctance, he began to think of calling parliament again. He got his lords together, and asked them their opinion. "If," said he, "this parliament should prove as untoward as some have lately been, will you then assist me in *such extraordinary ways* as in that extremity shall be thought fit?" They all said "yes," and so the parliament was summoned.

They met in April, 1640, eleven years after the last parliament was dismissed. The king told them his wants were pressing, and they must give him some money forthwith, and grant the taxes for life; and then, if they must, they might take up such grievances as they had, promising that he would give them a very gracious consideration. But this parliament was even more unmanageable than the last. Eleven years of misgovernment had added a long list of wrongs to be investigated and righted, and they set about this business in good earnest. Charles stormed and scolded, but they would not mind him; and so he suddenly sent them home again.

Then he took up his Scotch war anew. He raised a large army, and marched northward. But the Covenanters were as nimble as he ; they recalled their old officers and their men, and marched to meet him. A battle was fought near the border, and the English defeated. The Scots followed them slowly and carefully, as they retreated homeward, not wishing to make war with England, but determined to resist the king and his forces. Then followed another scene of negotiation and attempted cheating, but the Scots beat him in these as well as in arms. And so at length, to his infinite mortification, with a powerful enemy moving down upon him, and with failing resources at home, he was compelled once more to resort to the parliament. This was the last time. It met, but it did not dissolve again till it had put an end both to Charles's troubles and to himself.





CHAPTER III.

RESISTANCE OF THE PARLIAMENT.

THE parliament which met on the 3d of November, 1640, was the most memorable one in English history. It performed greater deeds, was subjected to greater changes, and continued in authority longer than any other before or since. From the latter circumstance it is generally known as the "Long Parliament," lasting, though with some interruptions, nearly nineteen years, until March, 1659.

The king had tried his utmost to have members chosen to it who were favorable to him, but with very poor success, two only of his courtiers gaining seats in it. On the contrary, the people, now thoroughly aroused, had elected their strongest champions,—men like Hampden, who had suffered from the government, and others well known for their devotion to liberty and law. All of them were

members of the established church, though not a few held liberal sentiments in matters of religion, which ultimately made them dissenters. One of their first acts was to pass an order that none should sit as a member who did not celebrate the communion according to the usages of the church of England, and shortly after the entire body received the sacrament from the Dean of Westminster. They felt that they were about engaging in serious business, and they chose to begin as religious men with devotions befitting the solemnity of their position.

Charles, as usual, was importunate in his requests for money, as the first thing, that he might resist the advance of the Scottish army, and meet other pressing wants of the government. But the parliament paid very little attention to his demands. They were not afraid of the Scots, whom they looked upon as their friends, having a common cause with themselves. So they went to work at once upon the grievances of the nation. Committees were appointed to hear reports of these, and consider what to do. Complaints and petitions for redress came pouring in from every quarter. No long time was spent in beginning the work of reform.

First, the victims of the Star Chamber, who had been fined, mutilated, and imprisoned, were sent for, and the judges and prosecutors ordered to account for their cruelties. Their sentences were pronounced illegal, the sufferers restored to their professions, and damages awarded them of five and six thousand pounds apiece, which the members of the court were compelled to pay. Then the committee on religion took up the tyrannical proceedings of Laud and his bishops, in introducing changes in worship, and punishing the ministers and others who would not conform. These proceedings were declared unlawful, and Laud, though an archbishop and the special favorite of the king, was impeached for high treason, and sent to prison in the Tower. It began to be considered even whether the bishops should not be deprived of their votes in the House of Lords on all but spiritual affairs. A monster petition, signed by fifteen thousand names, was sent from London, begging that the tyrannical power of the hierarchy might be cut up root and branch, which from that phrase was called the "root and branch petition." Another, signed by seven hundred clergymen of the established church, was to a similar effect. The king

was much alarmed and incensed. He summoned the two Houses to his palace at Whitehall, and gave them a long, scolding lecture, telling them not to meddle with the bishops' votes ; but it only made matters worse. The measure was not carried just then, but a few months afterward it passed in a still more stringent form, expelling the bishops from the House of Lords altogether.

The parliament next fell upon Laud's great colleague in cruelty, the Earl of Strafford. This able but unscrupulous man had once been a patriot, and an associate of Hampden and Cromwell, and other friends of the people. But Charles contrived to win him by bribes of money and office to his side, and, like all traitors, he soon went the very farthest in urging the king to his arbitrary proceedings. He it was who invented the word "thorough" as the name of this detestable policy. The king, finding that he could not overawe the parliament, sent for Strafford, who was up in the north looking after the Scotch army, to come and see if he could not manage them. Strafford came reluctantly, for he began to feel that he might get into trouble. But the Commons were ready for him, and just as soon as he entered the House of Lords, and strode

haughtily to his seat, there came a messenger from the Lower House to impeach him in the name of the Commons of England of high treason and other crimes. Instantly he was compelled to kneel and hear his accusation, then to give up his sword and march off on foot to prison in the custody of an officer. A few weeks afterward he was brought to trial in Westminster Hall. Charles came to attend it, and do what he could for his friend ; but it only increased the prejudice against him. Then the king sent for the parliament to his palace, and told them he would not consent to Strafford's condemnation ; but the Commons voted that this was an insult, and an infringement upon their rights, and all the more zealously pressed the prosecution. The earl was pronounced guilty, and sentenced to be beheaded. Charles dared not interfere again ; the popular excitement was too threatening, and so the victim's head was cut off upon the scaffold on Tower Hill.

Meanwhile other measures of reform were taken up. Determined that the king should not again attempt to rule without a parliament, they passed a law that that body should meet every three years ; and if he would not call it at the proper time, it

should be done by certain officers designated without him. This was an undoubted innovation on ancient usage, and Charles was very angry. He refused at first to consent to it, but was obliged to yield. The judges of the law court who had compelled Mr. Hampden to pay the ship-money were arrested, and the chief judge sentenced to pay ten thousand pounds as a fine, to escape punishment for high treason. The unlawful taxes and other customs by which money was wrung from the people were abolished. Finally, to crown the whole, a law was enacted that the king should have no power to dissolve the parliament without their own consent. This was the finishing stroke ; it made the parliament absolutely independent of him, and enabled them at their leisure to go on and do what they found necessary to do without any fear of molestation from him.

But why did he not put a stop to all this by dissolving them before, as he used to ? First, because he hoped to get on without quarreling with them again. He wanted, above all things, to have them give him a regular and sufficient revenue, as they had done other sovereigns. He would promise them anything almost if they would do this ; and

if they could have trusted his word a moment, they would doubtless have done it. They were no enemies to their king ; they wanted to respect and maintain the throne for the safety and honor of the nation. But they were tired of the preposterous claims of its divine right, and its supremacy over all law, and smarted under the tyranny it had exercised, and they resolved that these things should cease. So they would not give him his revenue till he would redress these grievances. He, however, hoped he should weary them into compliance ; and therefore, though strongly urged by some of his headstrong courtiers, he put off the dissolution, and even consented to the downfall of his friends, and the repeal of many of his favorite measures, rather than lose his last chance of gaining his end. But soon matters went so far that he *dared* not dissolve the parliament. The whole kingdom was in commotion. Thousands of the citizens of London were ready to rush to arms in a moment, to defend that body, and put down all opposition to it. And, lastly, after assenting to the bill that it should not be dissolved without its own consent, he *could* not do it. The immediate reason for signing this bill was, that he wanted money to

give to the army in the north, and the Scottish troops, who had agreed if they were paid for their time and services, they would go home. Parliament was ready to vote money for this, but they would have to borrow it. The merchants of London would lend it on the pledge of parliament as security ; but "what," they said, "if the king dissolves it, will the security be good for ?" So, at last, in his great desire to be rid of the Scots, Charles agreed to relinquish the right to dissolve the parliament without its consent, and signed the bill. It was a fatal step for him, but it was the saving of the nation. The Londoners lent their money, and the Commons, feeling now comparatively secure, finally granted the king his coveted "tunnage and poundage," and various other revenues, among them a poll tax ; but coupled with this, acts abolishing the infamous courts of Star Chamber and High Commission. He tried to refuse the last, but the House voted that he must sign all three, or none at all, and he was obliged once more to submit.

A few weeks after this a dreadful affair occurred in Ireland, which tended very greatly to increase the popular jealousy and prejudice against the

king. A conspiracy was formed against the Protestants of that country, and forty thousand, of all ages and sexes, were massacred in cold blood. The leaders of this outrage pretended that they had a warrant for it from Charles, which was doubtless false, though they had been his strong supporters and friends. Parliament at once voted to send an army to put down the rebellion, and, thinking that they, too, were in danger of assassination, surrounded themselves with a guard of soldiers for their protection. This again angered the king, who said he did not see why they wanted a guard, for his presence ought to be a sufficient protection ; if not, he would appoint an officer of the militia to command the soldiers. But the Commons replied that they would not trust him to do this, but would appoint one for themselves. Then they drew up an elaborate statement of all the grievances the nation had suffered under his reign, called a "Grand Petition and Remonstrance," in two hundred and six articles, and a recital of what still remained to be done for their redress, and sent it to him. He made a long and angry reply ; and then they voted to print the Remonstrance, and distribute it throughout the

kingdom, and especially through the army, that all men might see the justice of their cause. Still stronger suspicions were aroused by the king's attempt to get possession of the Tower of London, which was no less a fortress than a prison, by dismissing the governor, and appointing one of his men to that office. This stirred up a riot in London itself; the young men and apprentices turning out by thousands with arms, and marching to defend the parliament, and shouting out their defiance to the king's governor, and his guard.

Next followed a gross insult to parliament itself, by the king in person. He singled out five of the members of the House of Commons, as his special enemies, and sent a message demanding their arrest for high treason. This not being done, next day he gathered a band of soldiers, and, accompanied by a crowd of courtiers and idlers, marched to the House, knocked at the door, and went in. He strode along to the speaker's chair, saying, "By your leave, Mr. Speaker, I must borrow your chair a little." The members all rose with uncovered heads before the king. He looked eagerly round to find the accused persons. "John Pym! Denzil Hollis!" he cried. There was no answer.

Turning to the speaker, he asked, "Where are they? Do you see them? I have come for them, and will have them." They had, in fact, heard just before that the king was coming, and had escaped. The speaker fell on his knees, and told his Majesty that he could neither see nor speak anything but as the House directed. "Well, then," said the king, "I see the birds are flown, but I expect you to send them to me immediately, or I will take my own course to find them." Instantly a cry arose on every side, "Privilege! Privilege!" The House adjourned forthwith, and appointed a committee to consider the proceeding. The excitement rose to fever heat in the city and country. Everybody felt that fighting had got to be done, and began, on the one side and the other, to prepare for it. Six days after this the king and his family left his palace at Whitehall, and did not return to it again till he came as a prisoner.

Parliament now passed the law excluding the bishops from the House of Lords, another to raise more troops against the Irish, and a third to put the command of all the forces into the hands of officers appointed by themselves. This last the king resisted with all his might, as an in-

fringement on the prerogative of the sovereign, enjoyed from time immemorial ; which, no doubt, it was. He swore he would not trust them with the militia a single hour. They begged of him to return to London, where they could communicate with him more readily ; but he would not. On the contrary, he planned to get possession of Hull, on the eastern coast, where were magazines of arms and ammunition ; but parliament was beforehand with him, and seized the place themselves. Failing in this, he retired to York, where he spent the summer in raising contributions from his friends, enlisting troops, and in every way possible getting ready for war. At last, on the 22d of August, he set up his standard at Nottingham, and called on all his faithful subjects to resort to it in defense of his crown, and to subdue his rebellious parliament and their supporters.

It is not necessary for our purpose to narrate at length the events of the bloody struggle that followed. The forces which the two parties managed to bring into the field were not greatly unequal. Those of the king, however, comprised a larger portion of the nobles and old army officers, as well as cavaliers accustomed to war.



CAVALIER.



DRAGOON.

The first considerable battle was that of Edgehill, where one wing of each army was defeated, and both sides claimed the victory. Charles then took up his abode at Oxford, and under the fiery Prince Rupert and his cavalry, ravaged all the country around. In one of the fights that occurred, Mr. Hampden, who commanded a body of horse as colonel, was mortally wounded, and soon after died, to the great grief of the nation.

Charles now conceived the plan of supplanting the parliament at Westminster, by calling a new one to meet at Oxford. At first he thought of trying to dissolve the former, notwithstanding the

law, which he had expressly sanctioned, that it should not be dissolved without its consent. But his advisers dissuaded him from this, as a measure which even his own party would not approve, and which would be sure to cost him more popularity than he would gain. He was obliged to content himself, therefore, with his new Oxford parliament, without attempting to meddle with the other. Forty-three peers and one hundred and eighteen commoners assembled at his call, including such of his adherents as had deserted the regular parliament ; but even so, their number was not over one half that of the latter. However, they assumed the functions of a parliament, and went through the usual forms of legislation, voted money and soldiers to the king, etc. ; but their authority was acknowledged, of course, only in those districts where Charles's troops had possession. In addition to this, they joined the king in addressing proposals for a compromise to the Westminster parliament, which the latter repelled as an insult, and then after a "declaration" by this, and a "counter declaration" by that, this "mongrel parliament," as Charles himself called it, was dismissed ; and that was the last of it.

The two Houses now made proposals to the Scots to come to their assistance; and after a great deal of negotiation, and accepting the Covenant as a solemn league between the two nations, succeeded in enlisting their interference. In the spring (1644) the Scotch army marched into England, and joined the parliament troops near York, and soon after the great battle of Marston Moor was fought, in which the king's forces were entirely defeated. It was in this battle that Oliver Cromwell and his famous regiment of "Iron-sides" first distinguished themselves, and by their invincible pluck and heroism won the day for the parliament. In the west of England, however, the forces of the latter were less successful, and a series of disasters ended in a shameful surrender to the king. These reverses excited great discontents against their commanders, who, it was thought, were not sufficiently zealous in prosecuting the war. To get rid of these, parliament passed what was called the "Self-Denying Ordinance," prohibiting members of that body, with some few exceptions, from holding command in the field. Coupled with this was a plan for remodeling the army, in which not only a far better class

of men was enlisted as soldiers, but a more thorough system of training and discipline established. It was this, especially, which raised the army to the highest state of efficiency, and made it at last, under its illustrious leader, Cromwell, absolutely invincible.

Just at this time, one of the endless disputes about church affairs brought poor old Archbishop Laud into notice again. He had been lying in prison in the Tower some three years, under the charge of treason. The Lords, still recognizing his authority sent for him to install certain clergymen into office ; but the king ordered him not to do it. He chose to obey Charles rather than the parliament, whereupon the latter revived their old charges of treason, and had him tried, condemned, and sentenced to the block ; and he, who had been the means of plundering, torturing, and putting to death so many innocent men, was now made to taste the bitterness of the cup himself. He was beheaded in the Tower, amid the execrations of all England.

The Scots, now, fearing that the parliament might go too far, recommended making peace with the king. A large number of commissioners

were therefore appointed on both sides, and tried a long time to agree upon some terms of reconciliation. But there were many points on which neither party would yield an inch. The parliament insisted on the abolition of the episcopacy, the adoption of a new liturgy, and a new form of church government, and that the king should subscribe the national Covenant. He refused peremptorily each of these, and, on his part, insisted on having the command of the army and navy, on managing the Irish war, etc. Of course, the negotiations failed, and both sides prepared for war again. Not long after, the great battle of Naseby was fought, in which the king was overwhelmingly defeated. He fled to Wales, and after that to Scotland, where he had many friends, and where the Earl of Montrose had won many successes against the Covenanters. Soon, however, Charles returned to England again, and after a great deal of marching and skirmishing, in which his affairs waxed worse and worse, he was finally compelled to go and give himself up to the Scotch army at Newark, where he hoped to find protection. They received him respectfully, but soon let the parliament know where he was.

Then followed another season of negotiation. Charles first tried to win the Scots over to his side, but failed. Then he sent a very smooth and humble letter to parliament, offering to yield all the points in dispute, and even proposed to come up to London, if he might do it "with safety, freedom, and honor," and comply with the two Houses in everything which might be for the good of his subjects. But the parliament understood him too well to make any promises. In fact, they knew that he was at this very time corresponding with the Papists in Ireland, urging them to come over and help him, and offering to pawn to them his kingdoms to raise money for them for that purpose. With the Scots, too, he was trying to negotiate, pretending that he was thinking of taking the Covenant, and only needed to have some conscientious scruples removed, and requesting some of their theologians to argue the matter for his instruction. But it all came to nought, and finally the Scots, on the promise of being paid for their services by the parliament, resolved to give up Charles to them, and return to Scotland. Thirty-six cart-loads of silver, amounting to two hundred thousand pounds, were accordingly sent them at

York, for which they gave a receipt, and started for home.¹

Meanwhile the vacancies in parliament having

¹ The king was sent to Holmby House in Northamptonshire, where he was kept in a sort of honorable confinement, though allowed to walk or ride anywhere in the vicinity that he pleased. The following account of what it cost to support him for twenty days, will show that he did not suffer from want while there.

"An Estimate of the Expences of his Majestie and his Retynewe, at Holmby for twenty dayes, commencing 13 February, and ending 4 March, inclusive, 1647. By the Committee of the Revenue.

His Majestie's diet of xxvij dishes at xxxv <i>l.</i>	<i>l. s. d.</i>
per diem,	709 0 0
The King's voydy,	32 0 0
The lords' diet of xx dayes,	520 0 0
For the Clarke of the green cloth, Kitchen and	
Spicerie, a messe of vij dishes,	40 0 0
Dyetts for the household and chamber officers and	
the guard,	412 0 0
Board, wages, for common household servants, pott	
and scowrers, and turnbroaches,	36 0 0
Badges of court, and riding wages,	140 0 0
For linen for his Majestie's table, the lords and the	
diets,	273 0 0
For wheat, wood, and cole,	240 0 0
For all sorts of spicerie store, wax-lights, torches	
and tallow-lights,	160 0 0
For pewter, brasse, and other necessaries incident	
to all offices, and for carriages,	447 0 0
<hr/>	
	<i>l. 3000 0 0"</i>

been filled by new elections, the Presbyterians found themselves in a majority, and, aided by a few royalists, imagined that the time had come for them to set up the Presbyterian system of government and worship as the national religion, and put down all others. With this in view, they entered into negotiations with the king for his restoration to power, if he would second their plan, and subscribe to the Covenant. Their chief obstacle, however, to this scheme, was Cromwell and the army, who were mostly Independents, and many of them republicans opposed to monarchy in any form. The Presbyterians resorted to various schemes to get rid of the army. They voted, on the plea that the war was over, to disband all but a few regiments; that, except General Fairfax, there should be no officer superior to a colonel; and that all the officers should take the Covenant. The army understood that all this was aimed at them and their commander, and forthwith broke up their camp, and marched directly toward London. The House, in alarm, ordered them not to come within twenty-five miles of that city, and that a considerable portion of the troops be sent away to Ireland; but they could not enforce either order.

The army, in its turn, suspecting the intention of the House to restore the king, sent Sergeant Joyce of Colonel Whalley's regiment to bring him to Windsor Castle, where he would be in their power ; but he soon contrived to escape to the Isle of Wight, in the hope ultimately of getting away to France.

Then followed more negotiations, first with one party, then with another, the king seeking to get the best terms from all, and, as usual, trying to cheat them all. Finally he succeeded in getting the Scotch parliament to undertake in his behalf. The extreme Presbyterians and royalists there raised an army, and marched into England, not, as before, to oppose the king, but to restore him to the throne. Cromwell, however, was wide awake. He met them before they had advanced far, and inflicted on them a crushing defeat. This was the end of the king's party in Scotland. Cromwell was triumphantly received by the Covenanters in Edinburgh, and thanked as the preserver of the kingdom.

Finally, Cromwell and the army, tired of the constant scheming of the king's friends in parliament, and seeing that if the latter succeeded

their own safety would be endangered, and all the fruits of the long and desperate struggle through which the nation had passed would be lost,—finding, too, that plots and insurrections were going on all over England, which it required constant vigilance to suppress,—came to the conclusion that decisive measures must be taken. An officer was sent with an armed force, who brought the king from the Isle of Wight, and confined him in Hurst Castle, on the main land. The army moved to London, and took up their quarters in the palaces and parks of the city. Then, one morning, a regiment of foot, commanded by Colonel Pride, and another of horse, under Colonel Rich, surrounded the Commons' House, and as the members arrived, such of them as had been engaged in the plan to restore the king were arrested, and sent away as prisoners. This violent procedure was called “Pride's Purge,” and the fifty or sixty members who were left to go on with the parliament received the nickname of “The Rump.”

Shortly after this Charles was brought, by order of parliament, to Windsor Castle, and preparations made for the last act in the long and bloody drama. The republicans had now got their enemy in their

hands, and they were determined they would put it out of his power to abuse or to play false with them any more. On the 1st of January, 1649, a committee of thirty-eight was appointed to draw up charges against him, and put him on trial for high crimes and misdemeanors. The House of Lords, now reduced to but a handful of members, unanimously rejected the bill ; but the Commons coolly voted that they were themselves the supreme power in the nation, as the representatives of the people, who alone were the source of all authority, and that what they voted was and should be *law*, whether king and lords concurred in it or not. On the 6th, the ordinance for the trial was passed, constituting a "High Court of Justice," before whom the august and solemn inquisition should be held. That ordinance was as follows :—

"WHEREAS it is notorious that CHARLES STUART, now King of England, not content with those many encroachments which his predecessors had made on the people in their rights and freedoms, has had a wicked design totally to subvert the ancient and fundamental laws and liberties of this nation, and in their stead to introduce an arbitrary and tyran-

nical government ; and that besides all other evil ways and means to bring this design to pass, he has prosecuted it with fire and sword, levying and maintaining a cruel war against the parliament and kingdom, whereby the country has been miserably wasted, the public treasure exhausted, trade decayed, thousands of people murdered, and infinite other mischiefs committed, for all which high and treasonable offenses the said Charles Stuart might long since have justly been brought to exemplary and condign punishment ; whereas, also, the parliament, well hoping that the imprisonment of his person, after it had pleased God to deliver him into their hands, would have quieted the distempers of the kingdom, forbore to proceed judicially against him, but found by sad experience that their remissness served only to encourage him and his accomplices in the continuance of their evil practices, and in raising new commotions, rebellions, and invasions. For preventing, therefore, the like or greater inconveniences, and to the end no chief officer or magistrate whatever may hereafter presume traitorously and maliciously to imagine or contrive the enslaving or destroying the English nation and to expect impunity for so doing, it is hereby ordained

and enacted by the Commons in parliament that [here follow the names of the persons] are hereby appointed and required to be commissioners and judges for hearing, trying, and adjudging the said Charles Stuart. And the said commissioners, or any twenty or more of them, are authorized and constituted a High Court of Justice, to meet and sit at such convenient time and place as by the said commissioners, or the major part of twenty or more of them, under their hands and seals shall be notified by public proclamation in the great Hall or Palace Yard at Westminster, and to adjourn from time to time, and from place to place, as the said High Court, or major part thereof, shall hold fit ; and to take order for charging him, the said Charles Stuart, with the crimes and treasons above mentioned, and for receiving his personal answer thereto, and for examining witnesses upon oath, which the court has hereby authority to administer, and taking any other evidence concerning the same ; and thereupon, or in default of such answer, to proceed to final sentence, according to justice and the merit of the cause ; and such final sentence to execute, or cause to be executed, speedily and impartially. And the said court is hereby authorized

and required to appoint and direct all such officers, attendants, and other circumstances as they, or the major part of them, shall in any sort judge necessary or useful for the orderly and good managing the premises. And Thomas Lord Fairfax, the general, and all officers and soldiers under his command, and all officers of justice and other well-affected persons, are hereby authorized and required to be aiding and assisting to the said court, in the due execution of the trust hereby committed. Provided that this act, and the authority hereby granted, continue in force one month from the making hereof, and no longer."

Notwithstanding the grave significance of this ordinance, and the lowering clouds which were gathering from every side over his head, the unfortunate monarch did not even then suspect the seriousness of his condition. He was as merry as usual, and found time to give orders for saving the seeds of some Spanish melons, which he meant to have planted the next summer. As to being really tried by his subjects, he jested at the very idea, and boasted that he had three games to play still, the very least of which was sufficient to baffle his ene-

mies. Alas ! he little knew the character of the men that were dealing with him. To them the matter was no jest. With earnest prayer to God they had entered upon their undertaking ; whether right or not, they believed themselves acting according to his will ; and they were about to perform it as those who expected to give account to him in the day when he will judge the hearts of all men.





CHAPTER IV.

THE KING'S TRIAL AND EXECUTION.

THE High Court of Justice, appointed by the aforesaid ordinance for the trying of the king, was to consist of one hundred and thirty-five commissioners. But of all these, no more than eighty ever actually sat in it. Four were lords, three generals of the army, thirty-four colonels, four aldermen of London, twenty-two knights and baronets, others private citizens, and a few country gentlemen.

It is remarkable how many members of this court were relatives of Cromwell. Ireton was his son-in-law, Jones and Disbrough his brothers-in-law, Whalley his cousin, etc. It is said that the whole number directly or indirectly related to him was not less than twelve. He was himself the most conspicuous member, and his numerous connections, as well as his great services and talents, gave him,

of course, almost unbounded influence in the court.

As the actions of the judges now come more conspicuously into notice, it seems to be a proper place for sketching briefly the previous history of the three with whom we are chiefly concerned, as having subsequently come to this country, viz., Whalley, Goffe, and Dixwell.

EDWARD WHALLEY was descended from a distinguished family, and, as we have said, was a cousin of Cromwell, his mother being sister of Oliver's father. He was "brought up to merchandise," but when the war broke out he took arms on the parliament side. "Probably," says his biographer, Noble, "his religious opinions determined him as much or more than any other consideration. And though the usage of arms must be new to him, yet he early distinguished himself in the parliament service, in many sieges and battles ; but in none more than in the battle of Naseby, in 1645, in which he charged and entirely defeated two divisions of the royal horse, though supported by Prince Rupert, who commanded the reserve ; for which parliament, January 21, 1646, voted him to be a colonel of horse ; and May 9, the following year, they gave

him the thanks of the House, and a hundred pounds to purchase two horses, for his brilliant action at Banbury, which he took by storm, and afterward marched to Worcester, which city surrendered to him July 23 following. Cromwell confided so much to him that he committed the person of the king to his care. The loyalists have charged him with severity to his royal prisoner, but the monarch himself, in a letter he left behind him when he made his escape, fully exculpates him from that charge.

"At the battle of Dunbar, fought September 3, 1650, he with Monk commanded the foot, and greatly contributed to completely defeat the Scotch army. In that battle he was wounded in the wrist, and had his horse killed under him. Cromwell left him in Scotland with the rank of commissary-general, and gave him the command of four regiments of horse, with which he performed many actions that gained him great honor.

"He continued a steady friend to his cousin, Oliver after he had raised himself to the sovereignty, and was intrusted by him with the government of the counties of Lincoln, Nottingham, Derby, Warwick, and Leicester, by the name of Major-

General ; an important office, in which he was so assiduous that, as he himself says, he did not leave a vagrant in a whole county. He was one of the representatives for Nottinghamshire in the parliaments held in 1654 and 1656. The Protector made him commissary-general for Scotland, and called him up to his Other House."

" He was," says Rev. Dr. Bacon, " colonel of that regiment in the Protector's army in which Richard Baxter was chaplain, and between him and the author of the *Saints' Rest* there was an intimate friendship, not only while Baxter continued in the army, but afterward, when Whalley had become, under the protectorate of his cousin Cromwell, one of the chief officers of the empire. To him, in token of their continued friendship, Baxter dedicated one of his works in an epistle which is one of the most beautiful examples of that kind of composition. Alluding to the honors which then clustered upon the head of the veteran warrior, he said, ' Think not that your greatest trials are now over. Prosperity hath its peculiar temptations, by which it hath foiled many that stood unshaken in the storms of adversity. The tempter who hath had you on the waves will now assault you in the calm,

and hath his last game to play on the mountain till nature cause you to descend. Stand this charge, and you win the day.' How beautiful the prediction, but how short-sighted !"

Whalley was a Puritan of the Puritans ; a man of devout piety and unimpeachable integrity. None of his bitterest enemies accuse him of any wrong, save his opposition to the king. His age is not stated, but he was probably one of the oldest members of the court. He had a son, who was member of parliament in 1659, and a daughter, who married General Goffe.

WILLIAM GOFFE was the son of a Puritan minister in Sussex. Though not liberally educated, he made such attainments in literature and science as to gain for him the honorary degree of Master of Arts at Oxford University. He was bound apprentice to a merchant in London, but on the breaking out of the war entered the army, and soon rose to distinction, becoming successively quarter-master, colonel, and major-general.

In the battle of Dunbar, Cromwell gave him the command of his old regiment, the original " Iron-sides ;" and in describing the battle, says, " Our foot, after they had discharged their first duty, be-

ing overpowered with the enemy, received some repulse, which they soon recovered ; but my own regiment, under the command of Lieutenant-Colonel Goffe and Major White, did come seasonably in, and at push of pike did repel the stoutest regiment the enemy had there, merely with the courage which the Lord was pleased to give, which proved a great amazement to the residue of their foot, this being the first action between the foot."

Goffe's talents and activity, together with an unusual gift of public speaking, made him very popular with the soldiers. Cromwell had great confidence in him, and intrusted him with several important undertakings, among which was that of expelling the members of the Little Parliament, in company with Colonel White. He was one of the eleven major-generals appointed to govern the kingdom, having the counties of Hampshire, Sussex, and Berkshire assigned to his command. Twice was he elected to parliament, and subsequently made a member of Cromwell's Other House, or House of Lords. By many he was looked upon as the proper person to succeed to the protectorate after Cromwell's death. His wife was daughter of General Whalley, a lady eminent for her fidelity

and piety, and every way worthy of her illustrious father and husband.

JOHN DIXWELL was a wealthy gentleman of Kent, who entered the parliamentary army in opposition to the king, and rose to the rank of colonel. He served also as sheriff of the county of Kent, and was elected to parliament in 1654. Comparatively little is known of his history until he was appointed one of the judges of the king. He was not married till after his flight to New England.

These three may justly be regarded as specimens of the men who were called to this celebrated tribunal. They were all able, devout, and terribly in earnest. Apart from their hatred of tyranny and their religious principles, little has been or can be said against them. If it be conceded that a king ought ever to be brought to trial for his crimes against the liberties and laws of his realm, these were the men who were worthy to do it. They addressed themselves to this stern duty with a dignity and solemnity befitting the occasion.

The place assigned for the trial was Westminster Hall, the grand old apartment which has witnessed more famous pageants and ceremonies than any other in England. It was once a part of the

royal palace of King William Rufus, and is now a portion of the parliament house in London. Here William Wallace was tried and condemned, Sir Thomas More, the protector Somerset, Guy Fawkes and his conspirators, the Earls of Essex and Strafford, and many others. Adjacent to it was a smaller room, called the "Painted Chamber," where the private sessions of the court were held, and whither they retired for consultation.

On the 8th of January, fifty-three of the commissioners met, and ordered a herald to proclaim the next day the opening of the court, and to invite all who had aught against Charles Stuart, King of England, to appear and present it. This was accordingly done, the officer, surrounded by mounted soldiers, riding into the midst of the great hall, and delivering his message, attended by the sounding of trumpets and beating of drums. The same ceremony was observed at the old Exchange, and in Cheapside.

It was nearly two weeks, however, before the trial proper began. All the intervening time was occupied in settling the preliminaries, such as choosing a president and officers of the court, determining the form of the complaint and the

manner of its presentation, appointing the place where the king should lodge during the trial, the bed-chamber where he should sleep, the attendants he should have, the guards for his safe keeping, the passages by which he should come from his lodgings to the hall, the fitting up of the hall for the trial, the appointment of guards and servants of the court, the lodgings to be occupied by the Lord President, the dress or "habits" of the officers, etc. It was voted that if the prisoner should "in language or carriage before the court be insolent, outrageous, or contemptuous, it should be left to the Lord President to reprehend him therefor, and admonish him of his duty, but as to his putting off his hat, the court will not insist upon it for this day."

Another curious item of the proceedings, which sounds as if specially significant, was recorded thus:—

"Ordered, that all back doors from the house called *Hell* be stopt up during the king's tryal."

Finally, on Saturday, January 20, they got ready to begin the trial. The members of the court, preceded by the Lord President and his assistants, marched in solemn order into the hall, escorted by their officers, and "twenty gentlemen with par-

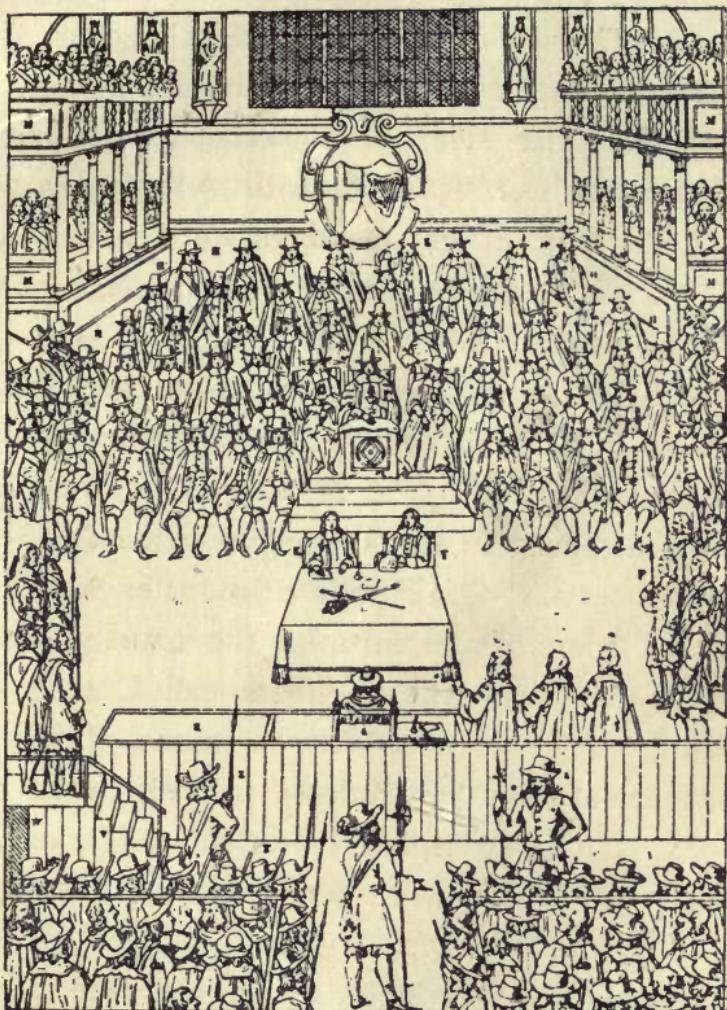
tisans¹ and a sword and mace," — symbols of authority. The Lord President took his seat in a crimson velvet chair, with a desk supporting a crimson velvet cushion before him, his two assistants on either side, the clerks at a table somewhat lower, and "covered with a Turkey carpet," and the rest of the members on benches hung with scarlet. On the wall behind, the escutcheon of the commonwealth, which had just been proclaimed, was displayed, on the right and left of which sat Oliver Cromwell and Henry Martin, as supporters. All the members wore their hats, as is customary in the sessions of parliament.²

Silence was three times cried, after which the act of Commons constituting the court was read, and the roll of the members called, each one rising as he answered to his name. Then the sergeant-at-arms was ordered to bring in the prisoner. He came attended by Colonel Hacker, and thirty-two officers with partisans as a guard, and his servants following.

"Being thus brought up in the face of the court, the sergeant-at-arms with his mace receives

¹ Lances with a sort of ax near the point.

² See the Frontispiece.



THE HIGH COURT OF JUSTICE. Page 102.

him, and conducts him straight to the bar, having a crimson velvet chair set before him. After a stern looking upon the court and the people in the galleries on each side of him, he places himself in the chair, not at all moving his hat, or otherwise showing the least respect to the court ; but presently riseth up again, and turns about, looking downwards upon the guards placed on the left side, and on the multitude of spectators on the right side of the said great hall ; the guard that attended him, in the mean time, dividing themselves on each side of the court, and his own servants, following him to the bar, stand on the left hand of the prisoner."

The Lord President then addressed him, stating that the Commons of England, in view of the evils which had been brought upon the nation, and the blood which had been spilled, had resolved to bring him to trial as the principal author thereof, and had accordingly constituted this court, before whom he was now to hear his charge. This was read by one of the solicitors, reciting the alleged offenses, and concluding with, " And the said John Cooke—doth for the said treasons and crimes, on the behalf of the said people of England, impeach



the said CHARLES STUART, as a tyrant, traitor, murderer, and a public and implacable enemy to the commonwealth of England, and pray that the said CHARLES STUART, King of England, may be put to answer all and every the premises, and that such proceedings, examinations, trials, sentences, and judgments, may be thereupon had, as shall be agreeable to justice."

During these proceedings, the king looked about sternly, and when the words "tyrant, traitor, and murderer" were spoken, he laughed derisively in the face of the court. Being required to answer, pleading guilty or not guilty, he refused, and asked by what authority he had been brought thither ; i. e., *lawful* authority, for there were many unlawful authorities in the world, such as robbing, purse-stealing, and the like. As to usurping the liberties of the people, he said that he cared more for them than any of the judges sitting there. The president replied, stating again the authority of the court, and requiring him to plead to the charges ; but the court adjourned without proceeding further, till Monday 22d.

While the counsel was reading the charge, the king reached forth his silver-headed staff, and laid

it gently on the counsel's shoulder, saying, " Hold ;" but the president ordered him to go on. Just then the silver head dropped off, which was regarded as a bad omen. No one picking it up, he was obliged to stoop for it himself.

On Monday, the proceedings were resumed, the king being required to answer the complaint, but still refusing, and demanding to know what authority the court had to try him. A long and not very dignified colloquy followed between his Majesty and the presiding officer, at the close of which it was ordered that his refusal to plead should be recorded as a contempt of the court, and the session was adjourned. Next day the proceedings were nearly the same ; the king refusing to plead, and frequently launching forth into justifications of his conduct, and recriminations against his opponents.

On Wednesday, the court resolved to go on without his answer, and a large number of witnesses were examined as to the acts of the king, most of whom testified to their having seen him with his army in the various battles fought in the last few years, and so directly engaged in the alleged crime of making war upon his people. At the close of

the hearing on Thursday, the court, in secret session, voted that the prisoner was guilty, and that they would proceed to his condemnation and sentence. Friday was taken up in preparing the form of the sentence; and on Saturday the prisoner was brought to the bar to hear it pronounced.

When informed that the court had made its decision, and asked what he had to say before sentence was given, there followed another dispute very similar to those of the preceding days; the king denying their jurisdiction, and warning them of the sin they were about to commit, and the president reproaching him for refusing to plead, and hindering the course of the trial. At last he was obliged to be silent, and the formal sentence was read. It recapitulated at great length his Majesty's unlawful acts, oppressing and plundering the nation, and at last making war upon it; and concluded, “ For all which treasons and crimes, this court doth adjudge that he, the said CHARLES STUART, as a tyrant, traitor, murderer, and public enemy to the good people of this nation, shall be *put to death*, by the severing of his head from his body.” The president added, “ The sentence now

read and published is the act, sentence, judgment, and resolution of the whole court." All the members thereupon arose and severally assented to it.

The fullest accounts we have of the trial and execution of Charles were written by his friends, and, as might be expected, they go all lengths in exalting the dignified and affecting deportment of the king, and the coarseness, insolence, and severity of his persecutors and judges. While there is some truth in these representations, there is also, doubtless, much exaggeration; and the reader will make his own allowance for both. We are slow to believe that deliberate insults were offered the royal prisoner, such as smoking, and even spitting in his face, as he was led away from the hall after his condemnation. The former of these indecorums was said to be habitual.

"The passage from the king's lodgings to the hall was planted thick with soldiers on both sides, who, as his Majesty passed through them to and from the court, were wot to blow their stinking mundungoes in his royal face, without any reproof of their officers, who at that time durst not

distaste the souldiers, nor appear guilty of any the least respects, if they had any, for the king ; of which affront the king yet made no complaint, though he gave them to understand he was sensible of it, by his often putting away the offensive smoak with his hand.”

In the evening the king requested leave to see his children, which was granted him. Two only seem then to have been in England — Elizabeth, about thirteen years old, and Henry, aged eight, both of whom died young. He asked that Bishop Juxon might be permitted to assist him in his private devotions, and administer to him the sacrament, which was likewise granted. On Sunday he was attended by the guard to St. James’s, where the bishop preached before him from the words, “In the day when God shall judge the secrets of all men by Jesus Christ, according to my gospel.”

On Monday the court met, and prepared the warrant for execution, to which the members affixed their names and seals. This memorable document, with its signatures in full, was as follows : —

“ WHEREAS Charles Stuart, King of England, is, and standeth convicted, attainted, and condemned

of high treason and other crimes, and sentence was pronounced against him by this court, to be put to death by the severing of his head from his body, of which sentence execution yet remaineth to be done ; — These are therefore to will and require you to see the said sentence executed in the open street before Whitehall upon the morrow, being the thirtieth day of this instant month of January, between the hours of ten in the morning and five in the afternoon of the same day, with full effect. And for so doing this shall be your sufficient warrant. And these are to require all officers and soldiers, and other the good people of this nation of England, to be assisting unto this service.

“ Given under our hands and seals.

“ *To Colonel Francis Hacker, Colonel Huncks, and Lieutenant-Colonel Phayre, and to every of them.*

John Bradshaw,	[L. S.]	H. Ireton,	[L. S.]
Thomas Grey,	“	T. Mauleverer,	“
O. Cromwell,	“	Har. Waller,	“
Edward Whalley,	“	John Blackiston,	“
M. Livesey,	“	John Hutchinson,	“
John Okey,	“	William Goffe,	“
J. Dauers,	“	Thomas Pride,	“
John Bourchier,	“	P. Temple,	“

T. Harrison,	[L. S.]	John Dixwell,	[L. S.]
J. Hewson,	"	Valentine Wauton,	"
Hen. Smyth,	"	Simon Mayne,	"
Per. Pelham,	"	Thomas Horton,	"
Ri. Deane,	"	J. Jones,	"
Robert Tichborne,	"	John Penne,	"
H. Edwards,	"	Gilbert Millington,	"
Daniel Blagrave,	"	G. Fleetwood,	"
Owen Rowe,	"	J. Alured,	"
William Purfoy,	"	Robert Lilburne,	"
Ad. Scrope,	"	William Say,	"
James Temple,	"	Anthony Stapley,	"
A. Garland,	"	Gre. Norton,	"
Edm. Ludlow,	"	Thomas Challoner,	"
Henry Marten,	"	Thomas Wogan,	"
Vinct. Potter,	"	John Downes,	"
William Constable,	"	Thomas Wayte,	"
Richard Ingoldsby,	"	Thomas Scott,	"
William Cawley,	"	John Carew,	"
John Barkstead,	"	Miles Corbett,	" "
Isaac Ewer,	"		

The court also passed an order to the officers of the Tower to deliver to the sergeant-at-arms "the bright execution-ax for the executing of malefactors."

On the afternoon of that day Charles's children came to take the last farewell of their father. He lifted the princess in his arms and kissed her, gave her two diamond seals, and prayed for the blessing

of God upon her and her brothers. It was a very affecting scene. Charles had been a kind father, and his children loved him tenderly.

On Tuesday, January 30, the king rose very early, and with Bishop Juxon spent an hour in prayer, and received again the sacrament. He said he was prepared to die, and death was not terrible. About ten o'clock Colonel Hacker, who had charge of the execution, knocked gently at his door, and told him they were ready. They marched on foot from St. James's palace through the Park to White-hall, escorted by a regiment of infantry, with drums beating and colors flying. The king walked very fast, the spectators preserving a deep silence, save an occasional prayer or blessing from some of them. The scaffold being not quite ready, he spent the time mostly in prayer, refusing any refreshment except a glass of wine and a bit of bread.

At last, on the summons of Colonel Hacker, they passed through a window upon the scaffold, which was hung with black, with the block and ax lying in the middle. He then made a long address, declaring his innocence of the charges laid against him, — calling God to witness that he had not begun the war, but the parliament, in taking the com-

mand of the militia from him ; that he forgave his enemies ; and intimating that God had permitted him to suffer an unjust sentence because of an unjust sentence which he had allowed, — referring to the condemnation of the Earl of Strafford. He called Dr. Juxon to bear witness that he died a Christian according to the Church of England, and said that the nation would never prosper till they had restored the kingdom to his son, though still, with his old ideas of divine right, affirming that the people had no business with the government, — that belonging to the sovereign alone.

Turning to Colonel Hacker, he said, "Take care that they do not put me to pain ;" and to a gentleman who came near, "Take heed of the ax ; pray take heed of the ax !" To the executioner he said, "I shall say but very short prayers, and when I thrust out my hands —" Then he received his cap from Bishop Juxon, and having put it on, inquired of the executioner, "Does my hair trouble you ?" The latter requested him to put it all under his cap, which he did with the aid of the bishop, to whom he said, "I have a good cause and a gracious God on my side." The bishop replied, "There is but one stage more, which, though turbulent and

troublesome, yet it is a very short one ; you may consider that it will soon carry you a very great way ; it will carry you from earth to heaven ; and there you shall find, to your great joy, the prize you hasten to, a crown of glory." The king responded, "I go from a corruptible to an incorruptible crown, where no disturbance can be." "You are exchanged from a temporal to an eternal crown ;—a good exchange !" was the bishop's reply.

Then the king asked the executioner, "Is my hair well ?" And taking off his cloak and a golden locket called "the *George*," containing a miniature portrait of his wife, he gave them to the bishop, saying, "Remember." After a few words of further caution to the executioner, he laid his neck across the block, and stretched forth his hand as the sign, when, at a single blow the head was severed from the body !

So the daring, the solemn deed was done. It was an act which startled the whole civilized world. Other monarchs had been put to death, some by assassination, some in the shock of battle, but none before in a manner so august as this ; arraigned by the supreme authority of a nation,

tried, pronounced guilty, sentenced, and executed, with the grave deliberation and solemn forms of a "high court of justice." It was a proceeding which filled with horror the believers in kingly prerogative, and has ever since been the subject of the most passionate reprobation, as, on the other hand, it has been as warmly eulogized by parties of a different faith. We, perhaps, live at a time sufficiently remote, and amid circumstances otherwise favoring, to be able to judge with something like impartiality and fairness of the whole.

There can be no doubt, we think, that Charles was guilty of the charges laid against him. His reign was filled with arbitrary and illegal acts, which justified the belief that he meant to override all the ancient restrictions of the monarchy, and make himself absolute, like the continental sovereigns. To Magna Charta, even though confirmed by his own solemn assent in the Petition of Right, he paid, apparently, not the slightest regard. The ink of his signature was scarcely dry before he proceeded to violate it in the grossest manner. The respectful remonstrances of the parliament against his illegal acts he treated as crimes; its leaders, however eminent for their

patriotic virtues, he punished as felons. If the parliament encroached on his prerogatives by depriving him of the power to dissolve it, and of the command of the army, it was in strict self-defense; and when he lifted the standard of war, it was that he might put down all opposition, and, as his nephew, Prince Rupert, said, "have no more *law* in England, henceforward, but the *sword*."

All this was marked, too, with unblushing perfidy. Often and often did he assure his people "on the word of a king" that he would rule according to law, and that his subjects should have no cause to complain of any wrongs or oppressions. We have seen how little such protestations were worth. At that most critical moment in his reign, when he had, after much reluctance, ratified in the ancient form the Petition of Right, he suppressed the edition of it which was being printed for circulation through the kingdom, and ordered another to be substituted for it, containing the evasive answer which parliament had refused to accept, as if even now, by so contemptible a trick, he would cheat the nation out of their most vital and inalienable franchises. Even when negotiating with parliament for settling

their differences, he was secretly carrying on schemes to betray and subdue them. They came to feel, at last, that no dependence could be placed upon him. To leave him any power was to endanger themselves and all they held dear.

The indictment, then, which the suffering and exasperated subjects of Charles found against him, was a true one, and, if true, he deserved dethronement and death. For no greater crime can be committed than treason against the liberties and the life of a nation. The greater the trust reposed by them in their sovereign, the higher they have elevated him in prerogative and power, the more heinous the guilt of betraying them. The very exaltation of which James and Charles so constantly boasted, instead of justifying their tyranny, made it the more inexcusable.

On the other hand, there are considerations which should, undoubtedly, weigh something in Charles's favor. First, we must remember his bad education. His father had taught and practiced all those doctrines, as to the divine right of kings, which led to his misgovernment, and all the courtiers and divines who filled his court confirmed them. Then there were many precedents for his arbi-

trary acts in the reigns of his predecessors, even of the most illustrious and honored of the English sovereigns. Still more, we must remember that we see the character of his acts in a clearer light than he, in that age, did or could. The rights of the people, and the requirements of public justice, had been very little considered two hundred years ago. Religious liberty especially, as we understand it, had never been heard of then, nay, hardly conceived of by the extremest radicals in opinion. Even duplicity and insincerity in a king did not seem as bad as in common people. They were thought, like some of the arts of modern diplomacy, to be necessary in carrying on the government ; a part of that "kingcraft" which all sovereigns must use, more or less, in managing the affairs of state.

In estimating the character of Charles, therefore, we must be careful not to apply to him tests at that time unknown. He should be judged by standards of his own day, and not exclusively of ours. It should be borne in mind, at the same time, that in private life he was comparatively irreproachable. He indulged in few of the vices that disgraced his father or his son. He had the tastes and the manners of

a gentleman ; and we can not doubt that he felt, in some degree, the truths and responsibilities of religion. While, therefore, we see in him much to condemn, we can also discern not a little to excite for him our pity and our charity. Let us hope, that through the mercy of Christ, upon whose atoning merits he relied, and which he so affectingly commemorated as one of the last acts of his life, he did indeed exchange his temporal crown for a crown of glory.

Of the trial and execution of the king, it must be confessed that they were illegal. It is true that parliament is, in theory, omnipotent ; but the body which created the High Court of Justice, and gave it its authority, was not the parliament. Not to press Charles's own objection, that it took King, Lords, and Commons, all three, to make a parliament, it is at least obvious that one house could not do it. Yet the Lords had unanimously rejected the bill for trying the king, and even the portion of the Commons that acted, were but a minority of that body, a large part of the members having, by "Pride's purge," been excluded by force. Well, then, might the king demand by what lawful authority he was brought to trial ; and in strict

legality he had a right to refuse to plead before his judges.

But all this is not saying that the proceedings were not, in the circumstances, justifiable. It is an old maxim, "*Salus populi suprema lex*" — the safety of the people is the highest law. If the liberties of the kingdom were at stake, if the property and lives of millions were at the mercy of a tyrant whom no law could restrain, no solemn promises nor oaths could bind, who at that very moment had his emissaries at work to raise foreign armies to help him put down his parliament, and rule over his people in such a manner as he pleased, then they had a right to seek self-preservation, even by dethroning and putting him to death. This was a right; but it was the right of revolution, not of law. It is to be justified, not by reference to statute or precedent, but to those eternal principles of justice which are above law, and which give to precedent and statute all their force.

As to the motives and character of the men who carried through this sublime tragedy, — *regicides*, as they are wont to be called, — we have as little doubt. They, too, had the faults of their times. The arbitrary conduct of the king

had exasperated them ; some, having in person suffered from it, were vindictive. In religious matters they were actuated by a lofty enthusiasm, which knew little gentleness or charity. As a matter of policy, the execution of the king was, we think, a mistake. It made him a martyr ; it won for him the sympathies of many who detested his crimes ; it alienated the large class of moderate men, who, while monarchical in principle, had joined with the parliament in resisting his aggressions ; it prepared the way for that reaction which brought back Charles II. Indeed, from the moment of the execution, the latter became more dangerous to the commonwealth than his father had been, or ever could be.

But, making all proper allowance for these things, the so-called regicides were as pure patriots and sincere Christians as the world ever saw. They believed in God, in truth, and in justice, and they manifested that belief before the world. They were courageous men, fearing God, and fearing nothing else. They taught lessons of liberty and the rights of men which the nation has never forgotten and never will. Every man in England and America is safer

to-day for the bold deed they did. They suffered, those that survived the Restoration, whatever vindictive hatred could invent, and the names of all have gone down the stream of time laden with maledictions ; but the day is coming, nay, has already dawned, when their heroic virtues will be acknowledged, and their names spoken with reverence, by all who love liberty and righteousness.





CHAPTER V.

ENGLAND WITHOUT A KING.

WHAT shall England do without a king? By the theory of the monarchy, the king is the impersonation of the nation's sovereignty. He is the source of all authority and honor; all appointments proceed from him, all commissions run in his name; he executes the laws; his are the courts, the justices, the sheriffs, the army and the navy. Certainly these can not be dispensed with. The machinery of government itself must go to pieces if there be not some head of the state. Who and what shall it be?

Not Charles's son: they are resolved upon that. On the very day of the execution, Sergeant-at-arms Dendy is ordered by the Commons to give notice with sound of trumpet that whosoever shall proclaim the Prince of Wales, or any other person, king, without consent of parliament, shall suffer

death for high treason. Two weeks later, another act of the Commons decreed that "the House of Peers in parliament is useless and dangerous, and ought to be abolished."

After much consultation, it was agreed that the Executive should consist of a Great Council of State of forty-one persons, appointed by parliament; and this was followed shortly after by a decree declaring England a "Commonwealth or Free State," to be governed by representatives of the people assembled in parliament, and that without any king, or House of Lords. The President of the Council was John Bradshaw, who had presided also at the court for the trial of the king; its Secretary for foreign correspondence was the illustrious poet John Milton.

Then they took up the settlement of church affairs. Presbyterianism was made the established religion of the nation, but with a degree of mildness and toleration of dissent such as had never before been heard of in England. It must be remembered, to the honor of Cromwell and the stern patriots who acted with him, that they came nearer to the modern idea of religious liberty than any generation who had gone before them. The



OLIVERIAN.

real doctrines of religious liberty had then scarcely dawned on any man's mind ; the laws were as intolerant as it was possible to make them ; still their oppressive provisions were not enforced with the rigor of the preceding reigns, or of those that followed. Whoever would live quietly, without assailing the government, or disturbing

the sentiments of others, had little reason to fear being persecuted for his own.

It was in New England, whose founders were so largely the compatriots of Cromwell and the Independents, that their principles were first carried into full effect, being incorporated into the fundamental law of the state, that no man should be liable to punishment for *mere* opinion's sake, so long as in the exercise of his liberty he did not commit turbulent acts, in violation of the equal rights of others, or hostile to the public peace.

So the new government was established, and for a few months things went on smoothly. There were, however, too many antagonistic elements

in the nation to permit this repose to continue long. These elements gathered themselves at length into three different conspiracies, which endangered the government and caused the stream of blood to flow anew.

The first was in the army itself, among the very men who had been foremost in overthrowing the old order of things. Led on by extravagant expectations of the speedy coming of Christ, and the beginning of the millennial reign on earth, they opposed the formation of the new government, — of any government, indeed, — and broke out into an open mutiny. It was in Colonel Whalley's own regiment that this alarming event occurred. Cromwell hastened among them, and seized fifteen of the ringleaders for trial by court-martial, of whom five were condemned to be shot. One only, however, was executed. The defection spread among other regiments, but it was vigorously dealt with by the generals, and finally extinguished with the execution of the subaltern officers that had led it, and the confinement in the Tower of some of the chief propagators of these wild doctrines.

The second was among the royalists. These, of course, were numerous throughout the three

kingdoms, but they had been so thoroughly subdued in England that they engaged in no open disturbances there. In Ireland they had proclaimed Charles II. king immediately after the death of his father, and had gathered a large force under the Marquis of Ormond to enforce his claim to the throne. With savage barbarity they had taken all the towns which had owned the parliament's sway except Dublin and Derry, and had devastated the island with burnings, plunderings, and massacres. It was time for Cromwell and his Ironsides to appear there; and accompanied by Ireton, his son-in-law, he landed near Dublin, with an army of nine thousand men, on the 15th of August, 1649. He entered upon his task with a vigor to which his foes were little accustomed. Town after town was recovered. Drogheda and Wexford, being summoned to surrender on pain of summary punishment, were taken, and every man of the garrisons put to the sword. In ten months from the time of his landing the work was complete, only two or three fortresses remaining to dispute his authority. Leaving Ireton behind him to attend to these, he returned to London in May, and received the thanks of parliament for his eminent services.

This was a bloody campaign ; the Irish peasantry call it, to this day, the “ curse of Cromwell.” Its severity, if justifiable at all, can be excused only on Cromwell’s own plea. “ I believe,” said he, “ that this bitterness will save much effusion of blood, through the goodness of God.” “ Terrible surgery,” exclaims Carlyle, “ but Oliver Cromwell did not believe in the rose-water plan of surgery, which, in fact, is this editor’s case too.”

The third and most formidable of these conspiracies was in Scotland. The ultra Presbyterian party, clinging to the same insane belief they had entertained respecting his father, imagined that the young Charles could be induced to subscribe to the Covenant, and reign as a Presbyterian king. The Scottish parliament, therefore, proclaimed him as their sovereign, and invited him to come to Edinburgh, denouncing at the same time the English Commons as regicides and traitors. Charles accepted their invitation, and arrived in Scotland in June, just after Cromwell’s return from Ireland. The latter was immediately appointed captain-general of all the English armies, and ordered to march at once to intercept the Scottish troops before they should have time to invade England.

The presence of Charles gathered to him a large body of men for his support, Presbyterians, Episcopilians, and Papists, all making common cause against what they called the English fanatics, so that Cromwell's army were outnumbered by them more than two to one.

But numbers availed little against such veterans as Cromwell's troops. After a long series of marchings and skirmishes around Edinburgh, he succeeded in drawing the Scots into a great battle at Dunbar, where he inflicted upon them a terrible defeat. Here it was that Cromwell is said to have issued to his soldiers, on the stormy night before the battle, the celebrated order to "trust in God, and keep their powder dry." His attack began at sunrise, his troops marching to the charge at the foot of the Doon Hill, singing the one hundred and seventeenth Psalm :—

"Let God arise, and scatteréd
Let all his enemies be ;
And let all those that do him hate
Before his presence flee."

Three thousand slain, ten thousand prisoners, and fifteen thousand stand of arms taken, was the

report of that fight which the Lord General sent to the English parliament the next day.

The fall and winter months succeeding were spent in besieging Edinburgh, and in endless negotiations with the Scottish authorities, all of which had no important result. Meanwhile, Charles, who had fled to the Highlands, succeeded in raising another army, and in July suddenly started to invade England. Cromwell instantly went in pursuit, and, overtaking him at Worcester, routed and destroyed his army. Charles himself fled in disguise, and after a series of romantic wanderings, managed to reach the coast, from whence he embarked for France. He did not see England again till he was brought back by General Monk.

And now England enjoyed peace once more, save a brief but victorious war with Holland, of which we have no occasion here to speak. In the next two years, however, the parliament, or what remained of it, began to grow jealous of Cromwell, whose renown had greatly increased, suspecting him of aiming at supreme power. On the other hand, it was felt by many of the best men in the nation, that the parliament itself had

sat long enough. It began to be called the Rump, in reference to the fact that it was but a remnant of the body which had been elected twelve years before. Some of them had become dissolute in morals, some led away by their speculations into impracticable theories ; some, it was believed, were in secret sympathy with the Scots, who hated both Cromwell and the Independents alike. The House itself, some months before, had agreed that a dissolution should take place after three years, and the question now arose, as to the composition of the new parliament that was to succeed them. It soon became apparent that the members were conspiring, not to secure a fair election, which should truly represent the will of the nation, but one that should perpetuate their own power, and give them a majority over Cromwell and the army. A bill to that effect was under consideration, and on the point of being passed, when Cromwell, taking his old regiment of Ironsides, under the command of Colonels Goffe and White, entered the hall, arrested the proceedings, declared that they were no parliament, and drove them out of the house. He then locked the door, put the key in his pocket,

and returned to his apartments in Whitehall. The same day he dissolved the Council of State in a similarly peremptory manner.

Three months later, Cromwell convened a new parliament, designated by letters missive from himself, "known persons, fearing God, and of approved integrity." It was a body respectable for ability and character, but without any pretense of having been chosen by the people. One of its members, a leather merchant of London, was named Barbone; this being nicknamed *Barebone* by the royalists, the parliament itself was called "Barebone's Parliament." This assembly continued its sessions five months, when, finding the task before it too great for its ability, it voluntarily restored its powers into the hands of Cromwell and dissolved itself.

Matters had now come into such a shape that there could be no *legal* establishment of a government. Whatever was done must be without precedent or regular authority. The nation was passing through the stages of a revolution, and any government that might be devised, even were it the restoration of the monarchy, would rest on essentially the same basis — the right of revolu-

tion. It was in the exercise of this right that the next stage of the drama was reached, which had at least this indorsement, that it was acquiesced in by the nation, and gave them a peace and security, while it lasted, which they had not had for years.

A "council of officers and other persons of interest in the nation" was convened, who, after "much seeking of God by prayer," devised an "Instrument of Government," and appointed OLIVER CROMWELL "Lord Protector of the Commonwealth of England, Scotland, and Ireland," to be assisted by "a council of godly, able, and discreet persons," not more than twenty-one in number. This was, in fact, making him king under another name. Nearly all the powers and dignities of the monarchy were conferred upon him, except that the office was to be elective, not hereditary. Cromwell was conducted into the protectorate with the pomp and ceremony of a coronation, and was speedily recognized by the continental sovereigns as the supreme ruler of England.

By the "Instrument of Government" it was provided that parliament should be called within six months, which was accordingly done. It turned out that a majority of these, counting all parties,



OLIVER CROMWELL.

was opposed to the republicans ; so, with suicidal folly, instead of attending to the public necessities, and enabling the new government to discharge its functions, its very first undertaking was to question its own constitution, and that of the protectorate itself. Five months they spent in talking about and tinkering this "Instrument," and then the Protector, wearied out with their trifling, summoned them before him, and told them it was not for the

profit of the nation that they should sit longer ; that it was a pity they should have wasted such an opportunity of establishing a good government, equally removed from the two extremes of monarchy and democracy ; that, as to any useful measure, they had done nothing. “ I do not know,” said he, “ whether you have been alive or dead. I have not once heard from you in all this time, and you know it.” With this sharp reproof he dissolved the parliament and sent them home.

Then new conspiracies began to be formed. Royalists and Independents — heretofore as incapable of fusion as oil and water — secretly laid their plots to overthrow the “ usurper.” But he knew what they were about, and nipped all their schemes in the bud. He divided England and Wales into eleven military districts, and placed each under the command of a major-general of the army, who was to see that the laws were enforced, that seditions were suppressed, and the existing government obeyed — a work which they very effectively accomplished. Whalley and Goffe were both of them among these major-generals.

A few months after — September, 1656 — Cromwell’s third parliament was convened, though a con-

siderable number of the members, owing to their known disaffection to the existing authority were not allowed to take their seats. This body, thus "purified," passed the needful money bills, and such other laws as the state of public affairs required. Nay, it did more; it voted that the time had come to restore a parliament of *two* houses, and that it was its desire "that his Highness would be pleased to magnify himself with the title of KING."

The truth is, that the nation had got tired of this ever-changing, ever-uncertain fashion of government, and were beginning to feel they should never have anything stable till the ancient constitution should be for substance restored. Against this proposal the extreme republicans vehemently protested, and some of them even seized their arms to resist it by force. But Cromwell, though evidently strongly inclined in favor of the offer, was too shrewd to accept it. He only assented to the proposal to restore the Upper House,—though the republicans would not let it be called by that name, or the House of Peers, but only the "Other House,"—the members of which were to be nominated by the Protector and approved by the Commons.

It was an ill-contrived scheme, that could not possibly work well. The old nobility, the true body of peers, had been almost all of them the friends of the king, and would have nothing to do with Cromwell or his parliament, who in turn would not have had them if they would. A very few noblemen and gentlemen of ancient families, and the remainder officers of the army,—among them Whalley and Goffe,—and other old friends of Cromwell, about sixty in all, made up this “Other House.” But the Commons quarreled with it the first day of the session, and so violent was the attack both upon it and upon the Protector himself, that after a session of only fourteen days, the latter interposed and peremptorily dismissed them. “I do dissolve this parliament,” he said, “and let God judge between me and you.”

Seven months more of turbulence and plotting, repressed only by the strong arm which had so efficiently ruled England for the past nine years, and Oliver’s work was done. He was taken ill in August, a few days after the death of his much loved daughter, Mrs. Claypole, and on the 3d of September, the anniversary of his great battles of Durham and Worcester, he died, at the age of fifty-

nine. He was one of the most illustrious rulers England ever had, although to this day she refuses to recognize him as any other than a usurper and regicide. In the series of statues of her sovereigns with which the Parliament Houses are adorned, no place is allowed to him. His greatness, however, is not dependent on monuments of brass or marble. The liberties of a kingdom which he and his associates rescued from peril, and transmitted to future generations, will be the best memorial of his great abilities and his heroic patriotism.

Oliver's son, Richard Cromwell, succeeded to his dignity and title as Lord Protector, but his administration was brief. He was an amiable man, of fair abilities, but entirely incapable of guiding the ship of state over the rough seas it was now sailing.

At first all parties acquiesced in his authority. "There is not a dog that wags his tongue," writes his secretary, "so great a calm are we in." But the calm did not last long. As soon as parliament assembled the dogs began, and speedily the whole realm resounded with their barking. The extreme republicans and the army officers demanded the dissolution of this parliament, and the restoration

of the old Rump, and Richard was obliged to yield to them. The latter immediately voted to abolish protectorate, kingship, and House of Peers alike, and wield themselves the supreme power, as they had done before Oliver ejected them.

Richard was apparently very glad to get out of the mess, and quietly resigned his office after having held it about eight months. Then, after a little while, the Rump and the army quarreled, and both sides appealed for aid to General Monk, who commanded the forces in Scotland. Generals Whalley and Goffe were among the messengers sent him in behalf of the army. Monk heard both sides, promised fair to both, and prepared to betray them both. He set forth on his march toward London, receiving on his way and after his arrival messengers from all parties, and among others from Charles himself. For some time it was doubtful what his decision would be, and it was waited for with breathless anxiety, for it was felt that he now was to decide the fate of England.

His first step was to order the restoration of the parliament as it was before Pride's Purge and the execution of the king, and this speedily filled that body with the friends of a monarchy. They made

Monk commander-in-chief of the army, declared all the proceedings of parliament since their exclusion illegal and void, and ordered a new parliament, after the ancient constitution, to be called. This body voted immediately to re-establish the monarchy, and to call Charles to the throne, with the title of Charles II. On the 29th of May, it being his birthday, he made his solemn entry into London, attended by the members of both Houses, and a long retinue of nobles and courtiers, while the bells rung, the trumpets sounded, and thousands of voices bawled themselves hoarse in their gladness that the revolution was past, and England had her king again.





CHAPTER VI.

FATE OF THE REGICIDES.

NO people ever humbled themselves more abjectly than England, when she knelt at the feet of the second Charles. Even had his personal character been befitting a Christian king, it would have been unaccountable folly to receive him to the throne without the slightest security against a repetition of the wrongs which had driven the nation to madness, and plunged it into an ocean of tears and blood. But his character was not one to be at all proud of.

“The justice of England,” says Palfrey, “has provided the workhouse and the tread-mill for persons of habits and tastes like his, whom sad necessity raised to be the head of her church, the master of her sages, the pattern of her gentlemen, the object of reverential loyalty to her divines and her magistrates, to her teachers and her youth.

With no honest purpose to direct his life, utterly without sense of responsibility for the right fulfillment of a vast trust, surrendered, with all his faculties, to a libertinism gross and shameless, unconscious even of dishonor in taking bribes from abroad for the supply of his vices, an infidel in his hours of wantonness, and a Romanist in the pensive hours which followed some extraordinary debauch,— such was the prince with whom sober, religious, Protestant England was to renew her experience of monarchy."

If this be thought a harsh judgment of modern times, let it be compared with that of Lord Onslow, speaker of the House of Commons in 1728. "Charles," said he, "had neither conscience, religion, honor, or justice, and he does not seem to have had even the feeling of them. He had no one truly public aim as such, during the whole course of his reign. All he meant and sought, for which he trembled and tossed from side to side, from one minister to another, and for which he was continually cheating his people, was to enjoy a lazy, thoughtless ease, in the constant debauchery of amours, and in the pleasures of wit and laughter with the most worthless, vicious, and aban-

doned set of men that even that age afforded, and who often made him the subject of their jokes and mirth, sometimes to his face.¹ He was corrupted in France, and had all the pleasantry and vices of his grandfather, Henry IV., but not one of his virtues. Charles made the times here to be profligate, and, instead of ministers spoiling him, he spoiled most of his ministers, and did not love those whom he could not spoil.”²

Such was the man over whose return the three kingdoms went crazy with joy. Court, parliament, and clergy vied with each other in heaping adulations on this “son of the blessed martyr.” The speaker of the House of Commons told him that he was deservedly the “king of hearts,” and “would receive from his people a crown of hearts.” Large sums of money were voted to him ; rewards were bestowed on those who had assisted in his restoration, among whom General Monk was made

¹ One of those jests by his favorite, Buckingham, was a burlesque epitaph pronounced upon him in his presence.

“Here lies our sovereign lord, the king,
Whose word no man relies on,
Who never said a foolish thing,
And never did a wise one.”

² Vaughan’s Rev. in Eng. Hist., vol. iii. p. 448.

Duke of Albemarle ; and then arose the question, *What shall be done with the late rebels and regicides ?*

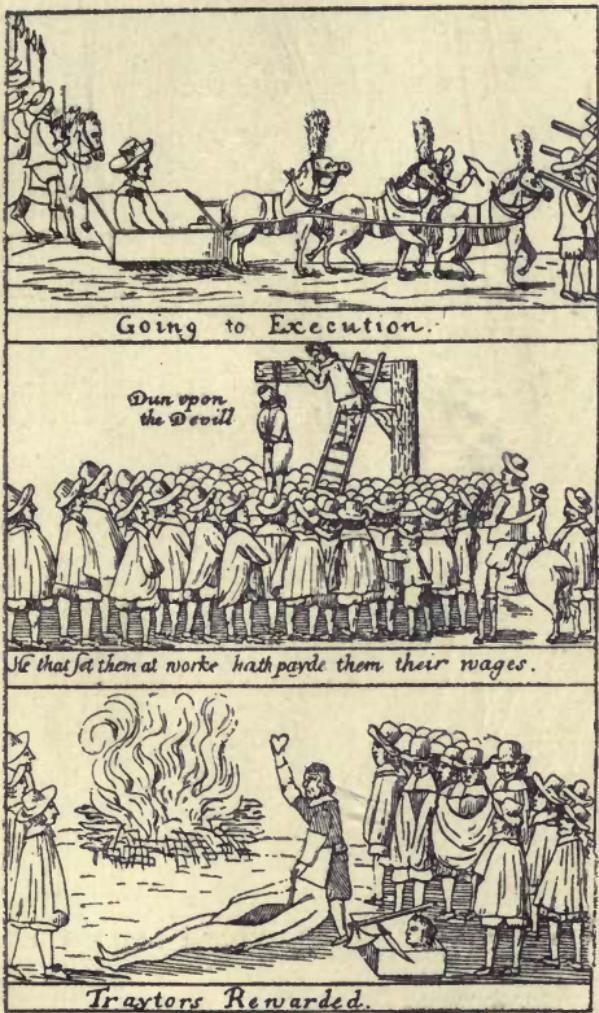
To do him justice, it must be said, that Charles was not vindictive in disposition. He loved ease and pleasure, and so long as he could have these, he cared little for anything else, either past or future. But with many of his party it was far otherwise. The bishops and House of Lords could not forget how summarily they had been expelled from parliament, and many of the Commons had similar indignities to remember, and many private grudges against their former colleagues. To this was added the fiercest religious intolerance, intensifying their animosities, and inflaming their hearts with a thirst for revenge.

Before his arrival in England, while negotiating the conditions of his restoration, Charles had sent a letter to the House of Commons, full of the most magnanimous promises toward those engaged in the late revolution. He guaranteed liberty of conscience to all men, and an unconditional pardon, save to those only who should be expressly excepted by parliament themselves. Even now he was far more lenient than they.

Of the judges who had sat on the king's trial and signed the warrant for his execution, twenty-four were now dead, and sixteen had fled from the country. The remaining nineteen, with the lawyers, executioners, etc., twenty-nine in all, were excepted from the promised indemnity, and sentenced to death. A few of these were reprieved by the king, some were kept in prison, and ten ordered to immediate execution.

The proceedings of the trial and execution were attended with the greatest barbarities. All the horrors of the dark ages with which it had been customary to invest punishments for treason, and which in the days of the Commonwealth had been laid aside, were now revived. When that eminent Christian soldier, General Harrison, an ancestor of our own President Harrison, was on trial, the executioner, in a coarse dress, with a halter in his hand, was set by his side. But the brave man knew no fear ; he pleaded his cause with a dignity and force which commanded the respect even of those who were thirsting for his blood.

All the accused maintained a like heroic bearing. They affirmed that they had acted with pure mo-



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tives, and in obedience to the laws ; some, that, being soldiers, they were required on pain of death to execute the commands of their officers, or of the parliament, which was then recognized, both at home and abroad, as the supreme authority of the nation. But, of course, all was without avail. They were declared guilty, and the bloody sentence pronounced.

Harrison was the first to suffer. He was drawn on a hurdle—a sort of rude sledge or drag—to Charing Cross, in sight of Whitehall, where the king had been beheaded. On his way a voice cried out in derision, “Where is your good old cause now?” “Here it is,” replied the undaunted man, placing his hand on his breast, “and I am going to seal it with my blood.” On reaching the gallows, he was hanged by the neck, but cut down alive ; next, he was cut open, his bowels torn out and thrown into the fire ; then his body was chopped into four quarters, and his still palpitating heart held up to the view of the crowd. The picture opposite is copied from an original wood cut of the time, delineating this barbarous execution.

Two days later, John Carew, another of the judges, suffered in the same manner ; and on the

next, John Coke, one of the lawyers, and Hugh Peters, one of the preachers of London. In the hurdle which carried Coke, the ghastly head of Harrison was placed with uncovered face ; but the gallant attorney was only stimulated by it to fresh courage. And so on, day after day, the bloody scene was enacted, until the people were thoroughly disgusted, and the king was advised not to proceed further, or to remove the spectacle to some other place.

One of the foremost among the republicans, Henry Martin, escaped execution, it is said, in consequence of his wit. He pleaded that he had acted by direction of the House of Commons. "Perhaps," said he, "your lordships think it was not a House of Commons, but it was all the parliament there was, and was acknowledged to be the supreme authority in England. I have heard that where there is a house, and lands pertaining to it, if the house be burned or pulled down so that only one small stick remaineth, the law still attaches the land *to that small stick.*" He was, however, condemned with the rest; but he had some friends among the royalists, and these advised him to supplicate parliament for his life. He said,

in his petition, that he had surrendered in reliance upon the king's proclamation of indemnity, and he hoped that "he who had never obeyed any royal proclamation before, should not be hanged for taking the king's word now." His application was successful; some of the lords interceded for him, and the sentence of death was remitted.

Nor was the resentment of the parliament content with thus punishing the living; it scrupled not to disturb the sacred repose of the dead. Cromwell, Ireton, and Bradshaw, were attainted as traitors. "On the 30th of January, the anniversary of the death of Charles I., the solemn recesses of Westminster Abbey were invaded by a brutal crew, acting by authority of the restored king and clergy; the graves were broken open, the coffins of Cromwell, Ireton, and Bradshaw were put upon hurdles, and dragged to Tyburn; there being pulled out of their coffins, the moldering bodies were hanged at the several angles of that triple tree till sunset, when they were taken down and beheaded. Their bodies, or, as the court chronicler calls them, 'their lothsome carcasses,' were thrown into a deep hole under the gallows, their heads set upon poles on the top of Westminster Hall.

“With the same decent loyalty, the dean and chapter of Westminster, acting under his Majesty’s warrant and their own zeal, afterward exhumed the bodies of all who had been buried in the Abbey since the beginning of the civil wars, and threw them in a heap into a deep pit dug in St. Margaret’s churchyard. Among others, the inoffensive remains of Oliver Cromwell’s mother and daughter, who had been models of female domestic virtue; of Dorislaus, one of the lawyers employed on the trial of the late king, who had been basely murdered in Holland by the retainers of the present king; of May, the accomplished translator of the *Pharsalia*, and historian of the Long Parliament; of Pym, that great and learned champion of English liberty; and of Blake, the renowned and honest-hearted, the first of naval heroes,—were torn from the sacred asylum of the tomb, and cast like dogs into that vile pit.”¹

Of the subsequent history of those who escaped punishment by flight, little is known, except in the case of Whalley, Goffe, and Dixwell, who came to this country. It is said that one died by his own hand in Holland, another fled to Lausanne in

¹ *Pictorial Hist. of England*, vol. iii. p. 660.

Switzerland, where he was assassinated. Their purpose was concealment, and probably they were glad to escape from the turbulent scenes in which they had been engaged, and spend the days of their old age in peace. Charles and his courtiers were absorbed in their pleasures and ambitions, and soon the memories of these exiles passed into oblivion.

The great conflict was now over ; the rebellion was extinguished, the monarchy restored. Had the struggle, then, been in vain ? Was there no gain from all that the nation had done and suffered for a third of a century to compensate her for the sorrow ? Had the heroic deeds, the sacrifices, the tears, and the blood, which those years had witnessed, been, like water spilled upon the ground, wasted ?

No ; they had not been wasted. We may enumerate a variety of particulars in which there have been permanent and most valuable gains to the cause of liberty and justice.

First, it is settled that her monarchy is not absolute, but limited and controlled by law. Since the day when Charles lost his head, there have been no more such preposterous claims of its

boundless authority as used to be so common before. If her kings reign, as they allege, "by the grace of God," they also reign by the grace of the people, and are liable to be called to an account by the people for any abuse of their power. It was not thirty years after the restoration of the Stuarts before the nation repeated the experiment, and expelled them again, and for ever, from the throne they desecrated. They did not, indeed, take off the head of James II., but they took off his crown, and they will do the same thing again whenever a sufficient occasion arises.

It is settled, too, that there can be no government in England without a parliament. While the sovereign has the power to prorogue or dissolve that body for sufficient reasons, it is one which has to be exercised with caution, and its re-assembling is provided for by law. And while, as in ancient times, parliament consists of two houses, the Lords and the Commons, the latter is by far the most influential of the two. It may not, as in Cromwell's time, usurp all the powers of the government; while, on the other hand, no measure which it deliberately and persistently resolves upon can long be denied.

The great franchises of English liberty embraced in Magna Charta and the Petition of Right have been established so firmly that they will never be called in question again. They have become the inalienable heritage of Englishmen, and of all descended from English blood the world over. They are the corner-stone of every colonial charter which acknowledges the British flag. They are embodied in our own American Constitution, and in the Bill of Rights of each separate state in our Union. Under these beneficent enactments, government, whether monarchical or republican in form, has become a blessing; no longer an oppressor to be feared and hated, it is everywhere recognized as the protector of the people, to be loved, respected, and maintained at every cost.

Besides this, the influence of the great civil war in stirring men's minds, quickening thought, sweeping away old abuses, teaching first principles of government, of true civil and religious freedom, of the equality of all men before the law, and the like, has been of incalculable value. The difference between England as she now is and as she was in 1640 is quite as great as

between England of to-day and Russia or Turkey. The great principles for which the regicides contended and suffered have been like leaven, pervading all the old despotic systems of Europe. Absolutism has been overthrown, or is tottering, slavery has been blotted out, punishment for opinion's sake abolished. These, and much more, are the fruits which have grown out of the convulsions of two hundred years ago. They are steps in the world's progress toward the glory and blessedness, which, through God's favor, are to crown the good time coming.





CHAPTER VII.

THE JUDGES IN MASSACHUSETTS.



HALLEY and Goffe did not wait for the arrival of the king before they left England. They knew that they had been too conspicuous in the scenes of the last twenty years to escape notice, and they had too accurate an estimate of the value of Charles's pledge of indemnity to trust themselves within his reach. They left London on the 4th of May, 1660, under the assumed names of Richardson and Stephenson, and arrived in Boston on the 27th of July.

It must be remembered that there were intimate ties of friendship, pecuniary interest, religious sympathy, and, in many instances, even family connection, between the New England colonies and the Puritans at home. The planting of the colonists was itself a religious under-

taking, in which many of the leading Puritans and commonwealth men, even though they did not come in person, were interested. Of those who formed the Massachusetts Company, ten or twelve were, or had been, members of the Long Parliament. Among the first patentees of Connecticut were Hampden, Pym, Fiennes, Lord Say-and-Seal, and Lord Brook ; the last two of whom are commemorated in the town of Saybrook, which was so named in their honor—all these likewise members of the same parliament.

Many leading ministers also were equally known in both countries. Hugh Peters, who was one of Cromwell's household chaplains, and was barbarously executed with the regicides, had before the war been minister in Salem, and his step-daughter had married the son of Governor John Winthrop. John Davenport, one of the founders of New Haven, had been a prominent pastor in London, and intimately acquainted with all the leading men of his time. William Hooke, whose wife was Colonel Whalley's own sister, had been colleague with Davenport for twelve years as teacher of the church in New Haven, it being customary, in those earliest New England churches, to have

two ministers each, one called the pastor, and the other the teacher. Mr. Hooke was recalled to England by Cromwell, and made his private chaplain and master of the Savoy Hospital in Westminster. At the Restoration he was ejected from this office, and lived thereafter in obscurity. For many years Goffe's wife and children found a home in his family with their aunt.

It was most natural, therefore, that the regicides should choose for a place of refuge these little colonies in the wilderness. They would be far away from the court and its minions, among those who sympathized intensely with the cause in which they had been engaged, and to a considerable extent among old acquaintances and friends. They might hope to find here not only safety, but the enjoyments of congenial society, and in some measure of an English home.

On arriving in Boston, they called immediately on Governor Endicott, who received them very courteously, and then proceeded to Cambridge, where they intended to reside. As yet it was not necessary to conceal themselves. The news of the restoration of Charles had not been received before their arrival; indeed, the judges themselves

first heard of it after they sailed, and while yet in the channel. Still, they probably thought it prudent to live in a place somewhat less public than the capital. Cambridge was less accessible then than now, to be reached only by a ferry across the river, or by a circuitous route through Roxbury and Brighton.

The high rank and eminent services for which the judges had been distinguished secured for them the most respectful regard. Their dignified deportment and manners, and their active interest in religion, made them welcome in the best society. They had brought testimonials of church standing from the ministers of London, and were admitted to communion in the church at Cambridge, attending habitually public worship, as also the stated lectures, fasts and thanksgivings, and the more private meetings for devotion. Colonel Goffe had been somewhat famed as an expounder of Scripture, and lay preacher. He was, says one of the old histories, "a frequent prayer-maker, preacher, and presser for righteousness and freedom, and therefore in high esteem in the army." One of his speeches in parliament, on occasion of the victory over the Spaniards, advocating an address of

thanks to the Protector Cromwell, was "a long preachment seriously inviting the House to a firm and kind of corporal union with his Highness, saying something as to their hanging about his neck like pearls, from a text out of Canticles."¹ Such a gift as this would be highly valued by the religious colonists, and there can be no doubt had a wide door opened for its exercise.

That summer must, we think, have passed pleasantly with these exiles, though filled with many anxieties in behalf of their friends and late associates at home. Communications with England were infrequent and irregular, and they must have waited in much suspense for tidings. Roundabout reports by the way of Barbadoes stated that all the judges would probably be pardoned but seven. This would tend to relieve their apprehensions for themselves, and they must, with what patience was possible, abide the long delay till letters should come. How different the state of things from the present, when the news from all Europe is read here the very day it transpires !

They visited Boston often, and had frequent

¹ Probably Cant. iv. 4.

intercourse with the authorities and persons of distinction in the little colony. Small as the town was, and rude in its buildings, both public and private, there was still much excellent society. The magistrates, the clergy, the rich merchants, and planters constituted an aristocracy, which, if not boasting as lofty titles as those of the mother-land, could at least show equal refinement and moral worth, while not a few were members of families of high rank at home.¹ Among all these the judges would

¹ The common and honorable appellation of these was Mr.—the humbler classes having no prefix to their names, or being designated by the simple term “goodman,” or “goodwife,” shortened often into “goody.” Thus, among the proceedings of the court at Boston, in 1631, is the following record:—

“It is ordered that Josias Plaistowe shall, for stealeing four basketts of corne from the Indians, returne them eight basketts againe, be fined five pounds, and hereafter *to be called by the name of Josias, and not Mr., as formerly hee used to be.*”

The highest military title then recognized in New England was major, while the lower grades of captain, lieutenant, sergeant, and even corporal, were held in such favor, that they were placed upon the gravestones as tokens of the honorable distinction of the deceased. In 1648, John Hull, a thriving Boston merchant, having been chosen corporal, records in his diary his devout gratitude to God for giving him “acceptance and favor in the eyes of his people, and, as a fruit thereof, advancement above his deserts.”

be received with a cordial welcome and high respect.

There were some royalists, also, who would naturally regard them otherwise, and who sometimes so far forgot themselves as to insult those whom they looked upon as murderers of the king. In one instance of this kind the offender was arrested by the magistrates, and placed under bonds for his future good behavior. Many other of the principal towns of the colony were visited by the judges, where they doubtless met a no less cordial reception. The loneliness of these infant settlements made the coming of any respectable visitor a matter of unusual interest, and in case of persons as eminent as these the event would create an excitement of no ordinary degree.

It is not to be supposed that these little towns were wholly destitute of amusements. Our fathers were austere in manners and morals, but they were not without an element of humor in their composition, which could relish a little harmless fun now and then. Tradition mentions an incident which is said to have happened at this time, which we will give in the words of President Stiles, pre-mising only that the president does not pretend to vouch for the truth of the story.

“While at Boston, there appeared a gallant person there, some say a fencing master, who, on a stage erected for the purpose, walked for several days, challenging and defying any to play with him at swords. At length, one of the judges, disguised in a rustic dress, and holding in one hand a cheese wrapped in a napkin for a shield, with a broom-stick, whose mop he had dipped in dirty puddle-water as he passed along, mounted the stage. The fencing master railed at him for his insolence, and bade him begone. The judge stood his ground, upon which the gladiator made a pass at him with his sword to drive him off. A renounter ensued ; the judge received the sword into the cheese, and held it till he drew the broom over his mouth, and gave the gentleman a pair of whiskers. The latter made another pass, and plunging his sword a second time, it was caught and held in the cheese till the broom was drawn over his eyes. At a third lunge the sword was caught again, till the mop was rubbed gently all over his face. Upon this the gentleman let fall or laid aside his small sword, and took up the broad-sword, and came at him with that ; upon which the judge said, ‘Stop sir ! Hitherto I have only played with you, and not

attempted to hurt you ; but if you come at me now with the broad-sword, know that I will certainly take your life ! ' The firmness and determinateness with which he spoke struck the gentleman, who, desisting, exclaimed, ' Who can you be ? You are either Goffe, Whalley, or the devil, for there was no other man in England that could beat me ! ' And so the disguised judge retired into obscurity, leaving the spectators to enjoy the diversion of the scene and the vanquishment of the boasting champion. Hence it is proverbial in some parts of New England, in speaking of a champion at athletic and other exercises, to say that none can beat him but Goffe, Whalley, or the devil."

The expected Act of Indemnity, granting pardon, with some exceptions, to those who had participated in the late "rebellion," arrived in Boston in November. To the great astonishment and grief of their friends, it was found that Whalley and Goffe were among those exceptions. To the magistrates of the colony it caused both alarm and perplexity. For some time matters had been growing critical between Massachusetts and the mother country. The enemies of the colony had been

industriously exciting suspicions of her loyalty, and if she now afforded an asylum to these regicides, these suspicions would be likely to be strengthened, and bring down upon her the full weight of royal displeasure. Some of the magistrates were inclined to arrest them at once ; some would defend them at all hazards. Nothing, however, was done till the 21st of February, when Governor Endicott convened the Assistants to advise him what course to take. These could not agree, and no conclusion was reached. Four days afterward the judges themselves removed the embarrassment by voluntarily leaving the colony.

Nor was this done any too soon. Two or three officious royalists had sent word to England that the refugees were here, and an order for their arrest was momentarily expected. One of these was a Captain Breedon, a sort of trading adventurer, ready to turn his hand to anything that would pay. His own affidavit shows what the colonists thought of him. After stating that he told the governor who they were, he says, " who answered, without a commission from England none should meddle with them. For my service herein, I was abused by many, by calling me

‘malignant,’ and the marshal-general of the country, coming to me before several in court-time, used these expressions, grinning in my face: ‘Speak against Whalley and Goffe if you dare, if you dare, if you dare!’” Another informant was a Colonel Crowne, who professed to be a member of Harvard University. “Having acquaintance,” he says, “with many of that university, he inquired of them how Whalley and Goffe were received, and that it was reported to him by all persons that they were in great esteem for their parts; that they held meetings in their house, where they preached and prayed, and gained universal applause and admiration, and were looked upon as men dropped down from heaven; that this was the phrase of all the deponent heard discourse about them; but that penitence for the horrid murder for which they fled did not appear to be any part of that piety which sainted them in their esteem, for that Whalley said openly, almost in all places where he came, that if what he had done against the king were to be done, he would do it again; and that it was the general report of the place that he was frequently heard to say these words.”

Shortly after the judges had left, the royal

proclamation, or, as they call it, "a hue and cry," was received by the way of Barbadoes, denouncing them as traitors and murderers, and commanding whoever met them to deliver them up to be sent to England for punishment. Governor Endicott, on the 8th of March, called another meeting of the council, and with their assent issued a warrant for their arrest. This was sent through the colony as far as Springfield, and other towns in the west; but as the judges had left that jurisdiction, they were, of course, not found. Doubtless some of the council at least knew of that fact, and the search was intended for appearance' sake rather than actually to secure them.

It is due to truth to remark here, that probably the Massachusetts colony had not generally approved of the act for which the persons of these refugees were now endangered. Sir Henry Vane, the younger, a member of the Long Parliament, who had been one of the founders and first governors of the colony, though a thorough republican in sentiment, had opposed the death of the king, and broken friendship with Cromwell on his assumption of the protectorate. The influence of his opinions must have been felt here. The

colonial government had carefully abstained from any expression in favor of the execution, or any formal recognition of the authority of Cromwell or of his son.

While, therefore, the regicides were treated with respect in Massachusetts on *personal* grounds, there was not, as afterward in New Haven, the warmth of feeling which grew out of sympathy with their cause, and was ready to brave any dangers in their behalf. Governor Hutchinson in his History says, expressly, "Many of the principal persons in the colony greatly esteemed these persons for their professions of piety, and their grave deportment, who did not approve of their political conduct. Mr. Mitchell, the minister of Cambridge, who showed them great friendship after their arrival, says, in a manuscript which he wrote in his own vindication, 'Since I have had opportunity, by reading and discourse, to look a little into that action for which these men suffer, I could never see that it was justifiable.' After they were declared traitors, they certainly would have been sent to England, if they could have been taken."

These remarks, as we shall presently see, though true of Massachusetts, were not applicable to New

Haven. It was in consequence, doubtless, of such a state of sentiment among the authorities and leading men of the former, and of assurances from Mr. Davenport and others of a more cordial feeling in the latter colony, that the judges determined to remove thither.





CHAPTER VIII.

FLIGHT TO NEW HAVEN.

ACCOMPANIED by an escort of their friends, the imperiled judges set forth, as privately as possible, on Tuesday the 26th of February, 1661, on their journey to New Haven. It was a tedious ride in the depth of winter, along what, for a good part of the way, could have been little more than a bridle path through the primitive forest.

They reached Hartford probably on Saturday, and stopped there to rest, and pay their respects to Mr. Winthrop, the governor. The two original colonies of Connecticut and New Haven had not then been united, and each had its separate jurisdiction and its own officers. Governor Winthrop was a gentleman of great excellence and dignity, a son of John Winthrop, the first governor of Massachusetts. He received his distinguished

visitors with kindness, and after three or four days' stay in the town, during which they enjoyed the society of some of the chief citizens, they set forth again, with a guide named Lobden, for the remaining stage of their journey.

Mr. Davenport was just then preaching a long series of sermons, designed to strengthen and comfort his people in the perilous times through which both the mother country and the colonies were passing. The text was in Lam. iii. 24, and the subject the duty and safety of trusting in God. The series was afterward published under the title of "The Saints' Anchor-hold."

On the Sabbath before the expected arrival of the judges, he made, in his discourse, a very pointed and daring allusion to that event, and the duty of the people in reference to it. "Withhold not," said he, "countenance, entertainment, and protection from the people of God,—whom men may call fools and fanatics,—if any such come to you from other countries, as from France or England, or any other place. Be not forgetful to entertain strangers. Remember those that are in bonds, as bound with them. The Lord required this of Moab, saying, 'Make thy shadow as the

night in the midst of the noonday ; hide the outcasts ; bewray not him that wandereth. Let mine outcasts dwell with thee, Moab ; be thou a covert to them from the face of the spoiler.' Is it objected — 'But so I may expose myself to be spoiled or troubled ?' He therefore, to remove this objection, addeth, 'For the extortioner is at an end, the spoiler ceaseth, the oppressors are consumed out of the land.' While we are attending to our duty in owning and harboring Christ's witnesses, God will be providing for their and our safety, by destroying those that would destroy his people." ¹

Such injunctions from the lips of their venerated pastor, addressed to those in fullest sympathy with his patriotic spirit, could not fail of receiving a very hearty compliance. No New Haven man betrayed the secret, which, for many months, was hidden among them, although not a few must have been privy to it.

The judges arrived on the 7th of March, and took up their abode at Mr. Davenport's house. For two or three weeks they enjoyed the intercourse of the authorities and people, with little, if any,

¹ Bacon's Hist. Discourses.

reserve. They were among friends, and felt themselves measurably secure.

The homage which would naturally be inspired by the great deeds they had performed and the exalted stations they had filled, was bestowed. "They found themselves among congenial spirits, and went fearlessly from house to house, and discoursed freely of the thrilling incidents that had been crowded into their lives, and could be reproduced at will, divested of their more forbidding outlines, as the painter can choose the colors that best represent to his eye the image that floats, soul-like, in the atmosphere of his mental vision. The sieges of strong castles; the busy scenes and earnest fears that lent their haggard expression to the fires that lit up the camp of civil war; the awful details of the battle of Dunbar, that seem still to speak in the tides of the German Ocean, as they dash against the rocky coast; the imprisonment of Charles I. at Hampton Court; his escape from the hands of Whalley; his subsequent captivity; his uncompromising silence when brought to trial by his subjects; his heroic death; the stern and vigorous policy that followed that event; in short, all the doublings and windings of a self-

deluding ambition, exemplified in the life of Cromwell, from the humble pleasures of agriculture to the magnificent funeral in Westminster Abbey, afforded them an inexhaustible theme for conversation and reflection. They were grave, sedate men, and bore themselves with a noble self-control and a manly cheerfulness, that bespoke no secret upbraiding of conscience. It does not appear that they ever felt any such accusations, or entertained a doubt as to the part that they had taken in the transactions that preceded or followed the king's death."¹

On the 27th, the news of the king's proclamation arrived at New Haven; whereupon they made a formal and public departure, as if intending to go to Manhadoes, now New York. They went on that day as far as Milford, ten miles, taking care to show themselves there openly; but the next night they secretly returned to New Haven, and remained in close concealment at Mr. Davenport's.

By this time the affidavits of Breedon and Crowne had produced their effect. A peremptory order was received by Governor Endicott to arrest and send the fugitives to England, but it was drawn up in such a bungling way, as to admit

¹ Hollister's Hist. of Conn., vol. i. p. 237.

of a doubt as to what was its real legal force. It was as follows:—

“To our trusty and well-beloved, the present Governor or other magistrate or magistrates of our plantation of New England.

“CHARLES, R.

“Trusty and well-beloved, wee greet you well. Wee being given to understand that Colonell Whalley and Colonell Goffe, who stand here convicted for the execrable murther of our Royall Father of glorious memory, are lately arrived in New England, where they hope to shroud themselves securely from our laws; our will and pleasure is, and we do hereby expressly require and command you forthwith, upon the receipt of these our letters, to cause both the said persons to be apprehended, and with the first opportunity sent over hither under a strict care, to receive according to their demerits. Wee are confident of your readiness and diligence to perform your duty; and so bid you farewell.

“Given at our Court at Whitehall, the 5th of March, 1660-1.

“By his Majesty’s command,

“EDW. NICHOLAS.”

Now, there was no chartered colony named "New England," and by strict construction it might be questioned whether Governor Endicott, to whom it was sent, had a right to enforce this warrant, even in Massachusetts. Certain it was that he had no jurisdiction outside of that colony, and it might well be claimed that none of the other governors could legally construe it as addressed to them.

But Endicott waved the informality, and, without advising anew with his council, issued his warrant to two young royalists recently come from England for purposes of trade, named Kellond and Kirk, to search throughout Massachusetts, and gave them letters of introduction also to the governors of the other colonies. He did not escape censure, however, for so doing, as having taken too much on himself. "Many," says Hull, "very honestly minded of the deputies, and some among the magistrates, could not consent to own the governor's acting without the council, in executing the king's warrant for apprehending Colonels Whalley and Goffe. Though they own it a duty to be done, yet his acting without the major part of the council assembled

made them loth to own the act at all." But he, knowing that the fugitives had gone, probably thought that they would be little endangered by it, while the occasion was too important, and the state of the colony too critical, to permit of any seeming delinquency in his duty to his Majesty.

Messrs. Kellond and Kirk set forth immediately upon their errand, and prosecuted it with all the zeal that the prospect of an ample reward for such distinguished service could inspire. But while they were everywhere courteously received, and were favored with fair promises of aid, they were constantly baffled in their endeavors. The report which they made to Governor Endicott, on their return, can scarcely be read without a smile, as they narrate how hard they found it for strangers to execute an odious commission among an unwilling people.

They left Boston just at sunset on Monday, the 6th of May, and arrived in Hartford on the 10th, where they called on Governor Winthrop. He informed them that the persons they sought had passed through that place some days before on their way to New Haven, but promised that search should nevertheless be made for them. The officers

seem to have been charmed with his affability, and hastened on in pursuit. Next day they reached Guilford, the residence of William Leete, deputy governor of the New Haven colony, and acting governor, Mr. Newman having died the previous year.

They found him at home, and a number of persons with him, and delivered to him their papers. After glancing at their contents, he began to read them aloud, evidently willing that the others present should know the nature of the business in hand. But this was just what they did not wish to have known, their success depending in no small degree upon secrecy and dispatch. Interrupting the deputy, they asked, "Would his Honor please not read so loud? It is convenient to be more private in such concerns as this is." He took them aside, therefore, to a chamber, where he told them "he had not seen the two colonels, not in nine weeks." They replied that they had information of their having been seen in the colony in less time than that, and asked of him fresh horses, with a warrant and aids for arresting them. He was, however, very slow to conviction, and made so many delays, under various pretexts, that their patience was well nigh exhausted.

Meanwhile, the news of their coming and errand had spread through the village, and on their return to the inn, while waiting the deputy's answer, a person named Scranton came to them in the expectation, perhaps, of earning an honest penny by playing sneak and tell-tale, and assured the commissioners that the colonels were at that very time at the house of Mr. Davenport in New Haven, and "without all question Deputy Leete knew as much." He said that Mr. Davenport had "put in ten pounds' worth of fresh provisions at one time into his house, and that it was imagined it was purposely for the entertainment of them." He added that Goffe and Whalley had been heard to say, that if they had but two hundred friends who would stand by them, they would not care for Old or New England; that this had been said by them openly on a training day, at the head of the company. By this time others had gathered round who confirmed Scranton's story, and stated further that Goffe and Whalley had been seen very lately between the houses of Mr. Davenport and Mr. William Jones, and it was imagined that one lodged at one of these, and the other at the other.

This information seemed very positive and reli-

able, and the officers hastened back with it to the governor's, and demanded an immediate compliance with their requisition. He, however, took the matter very coolly. They might have their horses, he said, but as to a warrant for the arrest, he should have to consult Mr. Gilbert, one of the magistrates of the colony, living in New Haven, before he could grant it; which, as it was now Saturday night, could not of course be done until the Sabbath was over.

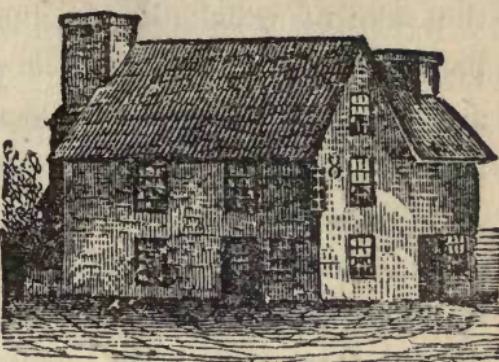
This was gall and wormwood to the eager pursuers. It was of no use, however, to be angry, and they must wait as patiently as they could. To be sure, they might hurry on to New Haven at once, but they knew they could do nothing there without a warrant, while their coming would surely frighten their prey, and give them time to escape, and they themselves might be liable, too, to be arrested and imprisoned, or fined, for breaking the Sabbath. The strictness of the Puritans in enforcing regard for the sacred day was well known, and, king's commissioners though they were, they could not expect, in the circumstances, to escape with impunity. There was no alternative, therefore; they must wait where they were.

But they kept a good lookout, as did their tattling friends for them. They soon had intelligence which added to their impatience. Scranton came and told them "there was an Indian of the town wanting;" doubtless had gone to give notice of their coming! Then they heard that "one John Megges" (or Meigs) was preparing to start on horseback on Sunday night, so as to reach New Haven in advance of them. Forthwith they rush over to the governor's again, and insist that he shall summon Meigs before him, and demand what his business is, that requires him to go so early. But his Honor replied that he had no authority to do that; as a magistrate he could act only upon due complaint and information of some misdemeanor, which was not pretended in this case. So they had to go back again, and abide these Puritan modes of doing things the best way they could.

We fear that they did not keep that Sabbath very devoutly in their enforced repose. Whether they attended divine worship in the little meeting-house of the village, they do not say. Unfortunately, just then, Guilford was without a minister, Mr. Whitfield, their first pastor, who built for himself the

famous stone mansion with thick walls and narrow windows, that it might serve both for a dwelling-house and a fort, and which is still standing, the oldest house in the United States, having some years before returned to England. Possibly, in the absence of a minister, Deputy Leete "exhorted," which from his piety and talents he was well qualified to do.

However that may have been, the officers, had they been there, would have seen what should profit them. An infant commonwealth founded on the teachings of God's word, assembled without exception, save the infirm, and the few stalwart men set to guard the settlement from treacherous savages, for the worship of Him whom they feared and loved, and over sanctuary and village resting a Sabbath repose, that breathed the peace and serenity of heaven,—these the outward evidences of a religion deeply implanted in the heart, for



OLD HOUSE IN GUILFORD.

the sake of which these colonists had cheerfully borne the hardships of exile and the wilderness, and would still dare in its defense, and that of their friends in the faith, anything that power, however despotic, could attempt. Such a spectacle, duly considered, would have been an instructive one to these zealous young men, and possibly have taught them that while loyalty to an earthly sovereign had its true worth, there was such a thing as a higher and nobler loyalty to the King of kings.

Let us see how matters stood in New Haven just at this time. As already remarked, the judges were for several weeks concealed in Mr. Davenport's house, which stood on the south side of Elm Street, between what are now Orange and State Streets. On the same street, directly opposite, was the residence of Mr. William Jones, formerly Governor Eaton's, whose daughter Mr. Jones had married. He had come hither from England the year before, and, it is said, in the same ship that brought Whalley and Goffe. His father was Colonel John Jones, a brother-in-law of Cromwell, and one of the judges of the king; and for his prominence and ability was one of the ten regicides who

were selected to be put to death without mercy. The news of the bloody execution had arrived a few weeks before at New Haven. Everything conspired, therefore, to bind in the most intimate ties of friendship and of common grief Mr. Jones and these fugitives from a like barbarous fate. He it was upon whom, under God, were specially devolved the duty and privilege of being their protector. His wealth enabled him to do this, and his recent arrival in the colony, in consequence of which he had not yet been called to official service, sheltered him in a measure from suspicion. As soon, therefore, as news came of their danger, and it was foreseen that their stay at Mr. Davenport's might imperil him, Mr. Jones secretly removed them to his own house.

The missing Indian of Guilford, with what was telegraphic speed for those days, had made the distance thence—sixteen miles—on that Saturday evening before bed-time. Mr. Jones owned a mill some two miles north-west of the town, near the outlet of the Beaver Ponds, where is now the manufactory of the Messrs. Blake. Thither, on receiving the report of their danger, he conducted his guests, where they would be

safe while waiting further developments. Some time during the next night Meigs also arrived, bringing a letter from Deputy Leete to Mr. Gilbert, the local magistrate of New Haven, advising that a search should forthwith be made, as if by the self-prompted loyalty of the authorities.

Unfortunately, Mr. Gilbert was not at home, so that the requisite search-warrant could not be procured. Hurried consultations, however, were had by those in the secret, and it was concluded that the judges should show themselves openly next morning, and a formal attempt be made to capture them before the arrival of the king's officers. Of course the former were apprised of the scheme, and of the part they were expected to play in it.

Accordingly, on Monday morning, the judges came into town, and thence walked out alone on the road toward Guilford, well armed with stout walking-sticks or cudgels. Thither they were pursued by the town-marshal or sheriff, named Kimberly, with orders to apprehend them. On being overtaken, the colonels stood on their defense, and planting themselves against a tree, plied their cudgels so skillfully that the officer

was baffled, and compelled to go back to the town for assistance.

Just then, tradition says, that, looking across the level fields eastward, they espied a party of horsemen approaching, whom they might well believe to be the royal officers coming from Guilford. These would be too formidable a force to meet as they had encountered the single marshal. There were woods at no great distance, but should they attempt to reach these, they would probably be discovered. Just before them was the small stream called Mill River, flowing through a low salt marsh. By descending to this, they would be for a few moments out of sight of the officers, and the bridge over the stream promised them concealment. Fortunately, the tide at that hour was at the ebb,¹ so that sufficient space was afforded between the bridge and the water to allow them to crawl in there. Thither they hastened, and in this slimy retreat they lay hid while the group of horsemen passed over, and went on their way into town, entirely unaware how near they had

¹ President Stiles has verified the fact by astronomical calculation, that it was ebb-tide at New Haven at noon, on the 13th of May, 1661.

been to the prey they were seeking. When they were gone the refugees emerged from their hiding-place, and escaping to the woods, managed at length to get safely back to Mr. Jones's. Of course, when Marshal Kimberly returned with his aids to seize them, they were nowhere to be found, and it only remained for him to make due return of the attempted arrest and failure.

Two hours after the arrival of the pursuers, Deputy Governor Leete appeared. He had called on his way at Totoket, now Branford, and procured the company of Mr. Jasper Crane, another of the colonial magistrates, who resided there. After a leisurely dinner, and having sent for the other two magistrates, Mr. Gilbert of New Haven, and Mr. Robert Treat of Milford, he repaired to the court-house and gave audience to the king's messengers. Some of the local deputies, or, in modern phrase, justices, had been invited to be present, among whom was Mr. John Davenport, Jr., son of the pastor.

The messengers stated their errand and the information they had received, and asked their assistance for the apprehension of the regicides. The deputy replied, that he did not believe they

were there. They requested him to empower them, or some one else, to search and see ; but he told them he had no authority to make them magistrates. They rejoined, that they would personally venture upon the search and seizure in two certain houses, where they believed the judges were hid, if he would give way and permit it ; but he refused, and adjourned the sitting for consultation with his advisers.

Before leaving, however, the officers, scarcely concealing their irritation, warned him of the danger of delay, and of the inevitable escape of the culprits, and insolently told him that the honor and service of his Majesty were despised and trampled on by him, and that they supposed, by his unwillingness to assist in the apprehension, he was willing they should escape.

Long and anxious were the deliberations that followed. Mr. Leete was a lawyer, and must have well understood the danger incurred by those who harbored or befriended traitors. "The law of principal and accessory," says Macaulay, "as respects high treason, then was, and is to this day, in a state disgraceful to English jurisprudence. In cases of felony, a distinction, founded on jus-

tice and reason, is made between the principal and the accessory after the fact. He who conceals from justice one whom he knows to be a murderer, though liable to punishment, is not liable to the punishment of murder; but he who shelters one whom he knows to be a traitor is, according to all our jurists, *guilty of high treason.*¹ Under this barbarous statute the venerable Lady Alice Lisle was publicly beheaded, in 1685, for the simple offense of giving food and shelter to two persons charged with participating in a conspiracy against the king, and that, too, before they had been convicted.

It was a serious matter, then, to refuse obedience to the king's order. The only possible way of evading it, which they could think of, was, to take advantage of its technical informality. It was addressed, "To the governor or other magistrate or magistrates of our plantation of New England." But that was not the legal designation of the New Haven colony, and although it was obvious enough that his Majesty meant it for the governors of all the colonies, still, in so grave a matter as this, where the question of life and death was involved,

¹ Hist. of Eng., vol. i. p. 503.

it would be dangerous to go behind the letter of a precept, and infer intentions. Besides, the language might be understood to imply that there was but one governor in New England, and that all the other so-called governors and magistrates were subject to his direction. If they obeyed the order, they might seem to be acknowledging this, and be liable to be called to account by the people for making a concession dangerous to the independence of the colony.

Would these pleas be sufficient to justify them in refusing obedience? Evidently Governor Leete thought not. It was comparatively easy for them to construct a plausible argument that might answer here, but he could not believe it would avail them much in London. He took up his pen, therefore, and began to write the warrant which Kellond and Kirk had demanded. Just then Mr. Gilbert, who had been absent from town, and Mr. Treat arrived. The discussion was opened anew, and finally some one hit on the expedient of referring the whole matter to the General Court of the colony as one of jurisdiction which they alone could safely decide. This was agreed upon, and the officers called in to hear the result.

As might have been expected, they were very angry. It was true there had been no refusal to obey the king's mandate ; on the contrary, both it and themselves had been treated with studied respect. Nor could they complain that the magistrates were careful to keep within their lawful authority. But they were shrewd enough to see where, under all this fair seeming, the sympathies of these dignitaries were, and gave them an emphatic warning of the consequences they might anticipate.

“ We told the deputy,” said they, “ how ill his Sacred Majesty would resent such horrid and detestable concealments and abettings of such traitors and regicides as they were, and asked him whether he would honor and obey the king or no in this affair, and set before him the danger which by law is incurred by any one that conceals or abets traitors. To which the Deputy Leete answered, ‘ We honor his Majesty, but we have tender consciences.’ ”

“ To which we replied, that we believed he knew where they were, and only pretended tenderness of conscience for a refusal ; that for their respect to two traitors they would do themselves injury, and possibly ruin themselves and the whole colony

of New Haven ; and still continuing to press them to their duty and loyalty to his Majesty, and whether they would own his Majesty or no, it was answered, they would first know whether his Majesty would own them ?" — i. e., respect their character, and recognize them as loyal and faithful subjects.

While the governor and magistrates were deliberating in secret session, the royal officers seem to have thought they would do a little searching on their own authority. Tradition says that they went to Mr. Davenport's, where, of course, they did not find the fugitives, and next to Mr. Jones's, where they had as little success. But they appear to have come close upon their track at the house of a Mrs. Allerton, which stood a little east of the city in what is now Union Street, looking out upon the bay. This venerable lady was the second wife of Isaac Allerton, one of the Pilgrims of the Mayflower; who first married Fear Brewster, a daughter of Elder William Brewster.¹ Mrs. Allerton, seeing

¹ President Stiles says the lady was a Mrs. Eyers, but Dr. Bacon has shown that this is a mistake. Elizabeth Allerton, who afterwards married Simon Eyers, was then but eight years old. She was a daughter of Mrs. Fear Allerton, and now resided with her widowed step-mother.

the officers coming, sent her guests out of the back door ; but after retreating a short distance, they returned and were concealed by her in the house. It is said that this contained a large wainscoted closet, having a door, which, when shut, could not be distinguished from the other woodwork of the room, and that all over the door, and on the outside of the closet, was hung brassery and elegant kitchen furniture, so that no one would think of looking for a passage there.

In this closet they found a safe refuge. When the pursuers came in, they asked whether the regicides were in her house. She replied that they had been there, but had just before gone out at the back door, and, by her very polite and artful address, succeeded in putting the officers on a false scent, and saving her friends. It was plain, however, that it was highly dangerous for the latter to remain in the town a moment longer, and that night Mr. Jones conducted them to a lonely farm-house, occupied by a man named Sperry, in the woods some three miles distant. Even here, it is reported, they were tracked by their indefatigable pursuers the next day ; but espying their approach, over a long causeway to the house, they escaped betimes into the surrounding forest.

Convinced of the hopelessness of their inquest here, and without waiting for the General Court, which was summoned to meet on the following Friday, Messrs. Kellond and Kirk took a hasty departure from the colony. Indeed, they had been significantly informed that they need not delay their own business by tarrying for the action of the authorities. In due time they reached Manhadoes, and were politely received by the Dutch Governor Stuyvesant, who promised to notify them if the regicides came thither. Thence they returned to Boston by sea, and made their report to the governor on the 29th of May. For their services on this occasion, they were each presented by the Massachusetts Council with a farm of two hundred and fifty acres of land.





CHAPTER IX.

THE JUDGES' CAVE.

ABOUT two and one half miles north-west of New Haven rises the precipitous bluff of West Rock. It is the southern extremity of a range of hills coming down from the Green Mountains of Vermont, which, here bending abruptly to the east, lifts a mural face of trap rock fronting the town and harbor of some four hundred feet in height. In consequence of the reddish-brown color of the stone, the Dutch gave to the locality, when first discovered, the name of "Red Mount." A mile or two further east is the similar, though somewhat smaller, cliff of East Rock, the two standing like

"Twin giants, guarding sea and land."

Between these is the beautiful plain upon which the city is built, surrounding the harbor opening

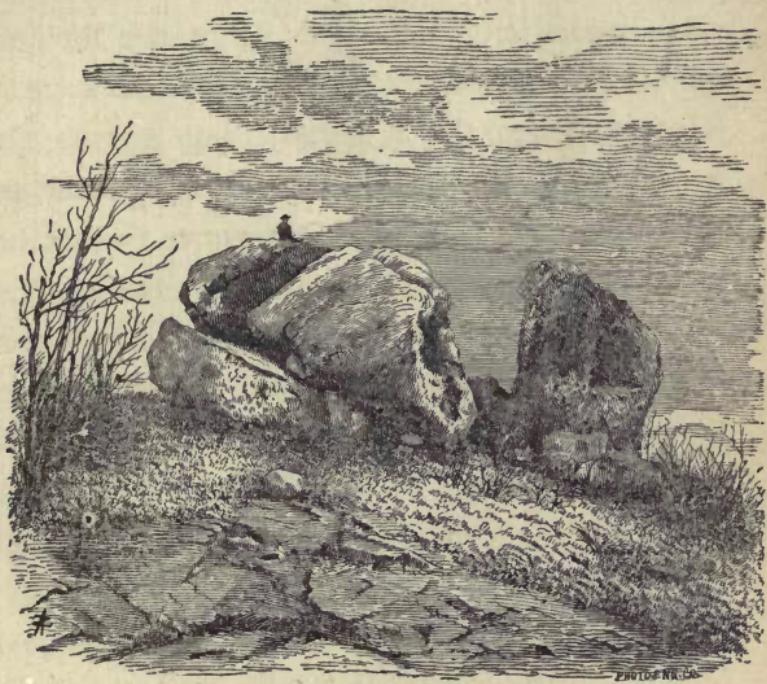
from Long Island Sound four or five miles distant. The plain is embraced in the arms of two small streams which wind sluggishly through the salt marshes to the sea, called by the Scripture-loving colonists Abana and Pharpar, but better known at the present day by the names of the West and Quinipiac Rivers, the latter being the designation of the Indian tribe originally dwelling here.

A few hundred yards back from the precipice, upon the summit of West Rock, is a huge pile of detached rocks, evidently the dislocated fragments of a mighty boulder, which in some remote glacial period was brought hither by an ice-raft from the north. The still higher summits of Mount Carmel in Hamden, Mount Lamentation in Meriden, and the more distant Talcott Mountain beyond Farmington, all plainly visible from the West Rock, suggest the not improbable source from which this ancient boulder was derived. The whole may be fifteen or twenty feet in height by one hundred and fifty in circumference. Between the fragments are irregular fissures, of sufficient size to admit a man. Two of the larger fragments stand apart from each other about twelve feet, having a third eight feet high in the rear, and inclosing a space which needs

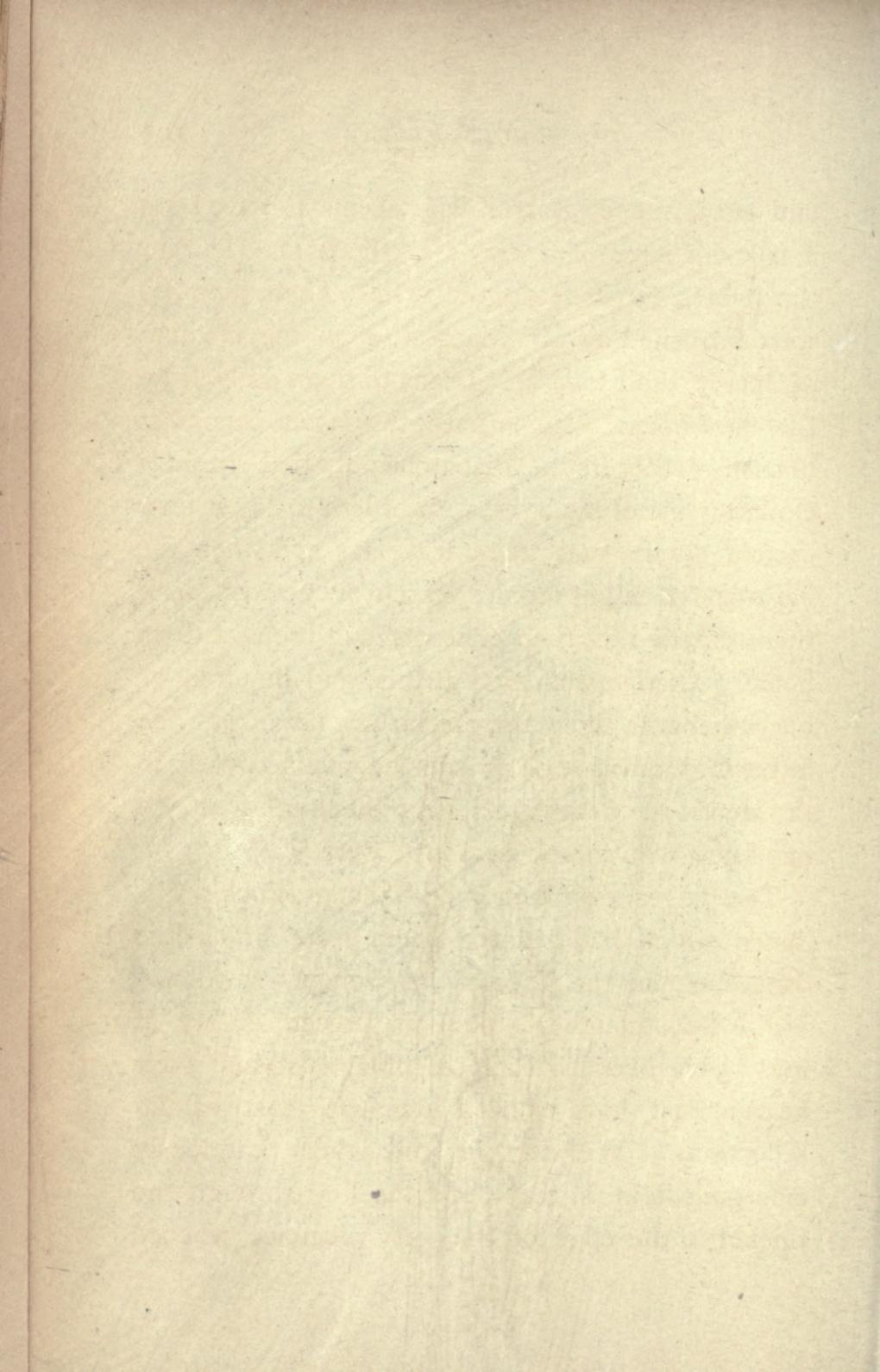
only to be covered by branches of trees to form a commodious apartment. A recess under the further rock would admit of a bed of leaves or straw sufficient for two or three persons. The whole is popularly called to this day the *Cave*.

The farm-house mentioned in the last chapter was situated on the low ground at the foot of the mountain, about a mile distant from the cave. Directly opposite the latter there is a deep cleft in the face of the precipice, admitting of easy access to it by a steep pass. The entire region hereabouts, except a small clearing around the house, was then covered with woods, but is now a succession of fields and meadows, bearing still the name, derived from its primitive occupant, of "Sperry's Farms."

The judges, being brought to this farm-house on the night of the eventful 13th of May, were concealed there and in the woods near by for two days, until convenient accommodations could be fitted up for them at the "Cave." These preparations were made with the utmost secrecy, so that even the members of Mr. Sperry's family were entirely ignorant of them. Three persons only appear to have known of this retreat, Mr. Jones, Mr. Sperry,



THE JUDGES' CAVE. Page 194.



and a man named Burrill, who seems to have been a fellow-laborer of Sperry's on the farm. Thither the judges repaired on the 15th. Their supplies were furnished by Mr. Jones, through the medium of Sperry, their food being sent to them daily from the farm-house. Sometimes the latter carried it himself, at others he dispatched it, tied up in a cloth, by one of his boys, with orders to lay it on a certain stump, and there leave it ; and when the boy went at night for the vessels, he always found them emptied of their contents, and brought them home. The lad wondered at this, and inquired of his father what it meant, for he saw nobody. The latter told him it was for some persons at work in the woods ; nor was it till long afterward that any one knew who these " persons " were.

The judges, ever mindful of the gracious providence which had rescued them from immediate danger, named the place of their refuge Providence Hill. But though thankful for present safety, it must have been to them a lonely spot, and their hearts must have sunk under the most painful reflections. We may imagine them cautiously emerging from the cave, and stealing through the thicket to the edge of the lofty precipice, whence

they might catch glimpses of the town, and of the path leading from it, to detect any approach of their pursuers in that direction. There, stretched out before them in a shining crescent, lay the calm waters of the Sound, across which, three thousand miles away, was dear old England, the land of home and friends, now, alas! a home no longer. Those friends, — some of them had already suffered deaths the very reading of which makes one shudder ; some lay in prison, daily expecting to be led forth to similar barbarities ; some, like themselves, were fugitives and vagabonds through the earth. And there were nearer ones still. Whalley's wife was probably dead, but Goffe had a wife and children, equally dear to them both, now left to bear the odium, perhaps the vengeance, of their enemies for what *they* had done in the sacred cause of freedom and religion, and utterly beyond the reach either of their help or their sympathy. And last, but not least in the estimation of patriots as unselfish as they were, was the sad condition of England herself. The good cause for which they had toiled and prayed, had imperiled their lives on the field of battle, and in the councils of those now declared traitors and regicides, apparently lost ; the churches

subjected again to spiritual tyranny ; and a profligate king and court fastened anew on the necks of the prostrate nation. Bitter beyond conception must have been their thoughts of all this. And when at night they retired in the dark to their rude couch of straw in the recesses of the rock, we may well imagine them to have prayed with strong crying and tears to Him whom they served, invoking still his mercy for what was so dear, and committing themselves with what faith and hope were possible to his continued protection.

Pursuant to the summons, the General Court met on the 17th, and the deputy governor laid before that body a full statement of what had been done. He said that "himself and the magistrates told the messengers" — Kellond and Kirk — "that they were far from hindering the search, and they were sorry that it so fell out," — i. e., we suppose, in consequence of Mr. Gilbert's not being at home when the letter from Guilford came, — "and were resolved to pursue the matter so that an answer should be prepared against their return from the Dutch." The court, thereupon, "all declared they did not know that they" — the judges — "were in the colony, or had been for divers weeks past," —

their last *public* appearance having been on the 26th of March, when they were seen in Milford, apparently on their way to Manhadoes, — “and both magistrates and deputies wished a search had been sooner made ; and did now order that the magistrates take care and send out the warrant, that a speedy diligent search be made throughout the jurisdiction in pursuance of his Majesty’s commands, according to the letters received ; and that from the several plantations a return be made, and that it be recorded. And whereas there have been rumors of their late being known in New Haven, it hath been inquired into, and several persons examined, but could find no truth in those reports, and for any that doth appear, [they] are unjust suspicions and groundless reports against the place, to raise ill surmises and reproaches.”

It has been alleged that these statements were not true — that the good men who made them, in their strait between the desire of protecting the judges, and fear of the consequences, were guilty of insincerity, if not of downright falsehood.

We think otherwise. The fact undoubtedly is, that they intended to render all *outward* obedience to their lawful king. As magistrates they would

not secrete the fugitives ; if commanded to order a search for them, they would do so. If any individuals violated the law, and they had cognizance of it by proper information and complaint, they would take due notice of it. They would not by official neglect have the reputation of the colony for loyalty suffer. All this the king might demand, but no more. He had no right to make them spies, or to require of them an extra-official zeal. He had no authority over their consciences or their sympathies. While they rendered to Cæsar the things that were Cæsar's, they were not thereby forbidden to render also to God the things that were God's.

Undoubtedly, also, there was a tacit consent throughout the colony that everybody except a very few intimate friends should be actually ignorant of the whereabouts of the imperiled men. It was a secret which it would be the highest service to them not to inquire into, or even to talk about. Rarely does history present us a more delicate regard for the welfare of strangers, a more considerate thoughtfulness for the safety of their own ministers and magistrates, or a truer heroism in daring any punishment which

royal vengeance might inflict for their alleged contumacy.

In compliance with the order of the General Court a very thorough search for the refugees was made in all the towns of the colony, but of course without effect. Mr. Jones kept his own secret, and Sperry and Burrill, being at work in their solitude in the woods, had no occasion to participate in, or be even cognizant of, the proceedings.

On the 29th of May, the general election of the colony was held, and Mr. Leete was chosen governor, and Mr. Gilbert deputy governor. In view of the exigency in public affairs, five magistrates were chosen instead of three, the usual number ; but two of these refused to accept the office, and the third, Mr. Fenn, consented to act only with reference to their own home affairs ; "in case any business from without should present, he conceived he should give no offense if he did not attend to it." So great was the danger involved in holding this office in that emergency that few were willing to risk it.

Matters were now thickening rapidly. The action of the General Court, the search, the elec-

tion, with the refusal of some of the magistrates to serve, made the hazards they were incurring vividly apparent. The threats of Messrs. Kellond and Kirk were well remembered. They had now got back to Boston, and reported how their mission had been received in the rebellious colony ; offering, also, large rewards to any among the English or the Indians who should give information that would lead to the capture of the regicides. Especially was it felt that Governor Leete, and Deputy-Governor Gilbert, with their beloved pastor, Mr. Davenport, were in imminent danger. Even the firmest began to waver. It had been well understood between the judges and their friends, that the former would voluntarily surrender themselves whenever it was deemed necessary to save the authorities, and it was now reluctantly acknowledged that the time had come.

Accordingly, on the 11th of June, the judges left their cave, and accompanied, doubtless, by Mr. Jones, and perhaps others, went over to Guilford to deliver themselves to Governor Leete, though still apparently not without hopes, at least on the part of their friends, that this final step might, somehow, be avoided. For this reason, apparent-

ly, the governor thought it best not to see them. Near his house, on the bank of the small rivulet flowing through that town, he had a store, with a basement or cellar underneath it. In this cellar the judges were lodged and supplied with necessaries from the governor's table, but without the knowledge of his family. Here, and at the house of a Mr. Rossiter, in the same village, they were concealed more than a week, while their friends were in anxious consultation concerning them.

It seems to have been concluded that the final step might, for a while, be deferred. "The governor," says President Stiles, "now having demonstration by the actual surrendry of the judges that they would at all times stand ready to surrender, and it being agreed that the places of their retreat should always be known to him, so that they could be given up in case of extremities, he felt himself safe, and could agree to postpone the actual acceptance of their surrendry to a future time, if it should be absolutely necessary."

It seems to have been agreed, also, that the judges should return to New Haven, and show themselves openly there, for the purpose of relieving

Mr. Davenport from the charge of continuing to conceal them. We know that they were there from Saturday, the 22d of June, to the Monday following, and are inclined to believe that this open appearance was on the Sabbath, in attendance upon divine worship. This would combine the publicity desired with security from arrest, it being morally certain that no writ would be issued for that purpose on the Lord's day. Assuming this to be fact, let us try to recall the scene which that summer Sabbath in the little town presented.

The meeting-house — the first built in New Haven — stood on the lower part of the green, a little west of where is now the flag-staff. It was a rude building, "fifty foot square," with a small turret on the top. In front were three of the six "greate gunns" belonging to the town, the other three being set to guard the



ANCIENT NEW ENGLAND CHURCH.

approaches to it on the water-side. Instead of the "church-going bell," a drum was twice beaten in the turret and along the principal streets before the hour of service. As that hour drew nigh, an armed soldier stationed himself aloft, and a guard with muskets entered, and took their assigned seats on each side of the front door. There were no galleries or pews, but benches arranged in the middle, and along the sides of the house, where the people sat, the males on one side, the females on the other, each in rank according to well-settled rules of dignity. On the male side were, first, the governor and magistrates; then persons holding military or other office; then the aged, and those entitled to be addressed "Mr.," and so on. On the other side were the wives of the said persons and other ladies, in similar order. Immediately beneath the high pulpit was a seat for the ruling elder, and below this another for the deacons. In times of danger, every man came armed with a gun or sword, while sentries were stationed in various parts of the town.

The pastor enters, and walks reverently up to the pulpit. Immediately the whole congregation rise, and remain standing till he is seated, those

nearest the aisle bowing to him as he passes, which courtesy he gracefully reciprocates. After the introductory services of prayer and singing,—the latter from Sternhold and Hopkins's version of the Psalms,—the sermon is begun.

“Let us call up,” says Dr. Bacon, “the shade of our ancient prophet. I see him rising in his pulpit. The folds of his gown conceal, in part, the slenderness of his figure, worn thin with years of infirmity. The broad white bands falling upon his breast starched and smooth, the black round cap, from beneath—which a few snowy locks show themselves, the round face and delicate features, which, but for the short white beard, might seem almost feminine, the dark bright eye which shows that age has not yet dimmed the fire within, complete the venerable image. Every eye is fixed upon him. He names his text. As he reads it, all rise to show their respect for the Scripture breathed of God. After they have been seated again he proceeds.”¹

Whether the venerable pastor deems it wise to-day to make any reference in his sermon to the perils at that moment hanging over the magistrates

¹ Historical Discourse, p. 149.

and himself, we know not, but there can scarcely fail to be some special allusion to them in the prayer following. Quietly, we think, have the hunted victims of power entered, and taken seats among the worshipers. None have introduced them, for this would be to confess themselves the harborers of the guilty; none particularly noticed them, for this would render them dangerously conspicuous. But is not the protection of God specially invoked in behalf of any of his faithful servants who are now in the midst of peril? Are not his promises to them recited with tenderer and more pleading tones? Are not divine wisdom and guidance more earnestly implored for those called on to bear the burdens and responsibilities of public affairs, and upon all the people of the colony, that they may be faithful to every trust, and courageous in every hour of peril? And at the close of service the congregation, we imagine, spontaneously linger a moment till the strangers have gone out, that they may retire unquestioned and unsought to their retreat, while many a silent blessing goes with them, and prayer that God will be their munition of rocks till the end.

President Stiles describes the firmness of the heroic pastor during these days of peril in the following eloquent terms: "Mr. Davenport was a great man in every respect; a great civilian, a great and deep politician as well as divine, and of intrepid resolution and firmness; and was a much deeper man, of greater discernment in public affairs, and every way superior in abilities to the governor, and all concerned. He saw they all gave up. He, like Mount Atlas, stood firm, and alone resolutely took the whole upon himself. Better than any of the councilors he knew that the secreting he had done to the 30th of April, and whatever could be done before the arrival of the royal mandate, could be vindicated by the laws of hospitality to unconvicted criminals, and could not, in a court of law, be construed into even a misprision of treason. It might subject him to inconveniences, perhaps prosecutions, but could not be fatal—a thing which perhaps the others doubted. Supported by his good sense and deep discernment, he therefore felt himself secure, and stood firm; not out of obstinacy, which was indeed natural to him, but with an enlightened and judicious stability. What stag-

gered Governor Endicott, a man of heroic fortitude, and other hearts of oak at Boston, never staggered Mr. Davenport. He alone was firm, unshaken, unmoved. Great minds display themselves on trying and great occasions. He was the man for this trying occasion. Davenport's enlightened greatness, fidelity, and intrepidity saved the judges."





CHAPTER X.

THE LODGE AND THE STONE STORE.

ON Monday, the 24th of June, the judges returned to their cave upon "Providence Hill," or West Rock, but do not appear to have long remained there. Tradition reports that the immediate cause of their leaving was their fear of wild beasts. It is said that one night a catamount or panther thrust his head into the cave, and by his screams and flashing eyeballs so frightened the inmates that one or both fled down the mountain to Sperry's for safety. At that time panthers, wolves, bears, and numerous smaller wild animals abounded in the forests of Connecticut. So late as 1713 a reward of five shillings was offered in the neighboring town of Derby to any one who would destroy a marauding wolf, and one of the authorities was empowered to call out the people to a wolf hunt, with a penalty of three shillings per

man for refusing to comply.¹ Such visitors as these, though less dangerous than the red-coated British pursuivants, would be manifestly unwelcome, though possibly intending only to reclaim their own, from which they had been expelled by these human intruders.

Be that as it may, the judges preferred another lodging-place, which they found, as is believed, at the foot of the same mountain range, about two miles further north, where, in 1785, President Stiles discovered the remains of walls, and other indications of a small shelter, perhaps partly under ground. Here, too, their stay was brief, the trail thither having been tracked by dogs belonging to some Indian hunters, to whom their retreat was thus revealed. It was well known that large re-

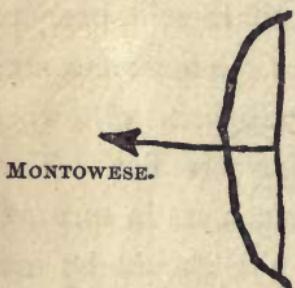
¹ In his childhood the writer well remembers an aged lady of Woodbridge — part of the ancient town of New Haven — who used to relate the exploits of a bear which had killed several calves and lambs near her dwelling. One night he pulled off the slats which defended the window of her milk-room, got in, and drank a tray of milk, upset another, then took a large bowl of cream, and carried it into the meadow near by, where, having lapped up the contents, he carefully turned the bowl bottom upward, and left it unhurt upon a flat stone. The thief was pursued next morning and shot.

wards had been offered for any information which would lead to the capture of the fugitives, and it was feared that, friendly as the poor red men were, the bribe might be too great for their virtue.

The Indians who lived on the territory of the original town of New Haven were of two different tribes. On the bay and in the vicinity were the Quinipiacks; further inland was a branch of the Mattabesicks, whose head sachem dwelt on the Connecticut River, at what is now Middletown. On the west were the Milford Indians, whose chief settlement was called Wepawaug. All these tribes had been much weakened by their wars with the powerful Pequots on the east and Mohawks on the west, the Mattabesicks having, it is said, been reduced to about a dozen families. They welcomed, therefore, the coming of the English, with their mysterious weapons of thunder and fire. They were kindly treated by the new comers in turn, and taken under their protection. It should be ever mentioned to the deserved praise of the fathers of the colony that all their transactions with these broken tribes were scrupulously just. Not a foot of land was taken but by fair purchase, in which they gave what, indeed, was not a high price for

them, but was of great value to the sellers,—far greater, undoubtedly, than the land itself. For the first purchase of the Quinipiacks, the price paid was twelve coats of English cloth, twelve alchymy — i. e., pewter — spoons, twelve hatchets, twelve hoes, two dozen of knives, twelve porringers, and four cases of French knives and scissors. It was agreed also that they should always have land enough to plant on the east side of the harbor, and should be protected from their dreaded enemies.

The second purchase made of Montowese, son of the Mattabesick sachem, was for thirteen English coats; the Indians retaining still the right to hunt and plant on that territory, which, indeed, was



SAWSOUNCK



INDIAN SIGNATURES.

all they had ever enjoyed from it before. The agreement was duly signed by the parties, and faithfully kept. The rude bow and hatchet, which were the signatures of Montowese and his companion, still attest the sincerity with which the contract was made. And

what is better, the hearty peace and friendship which, as long as a solitary remnant of these poor red men survived, remained unbroken, are the truest seal of the mutual respect they had for each other's rights, as the common children of the same Great Father. No white man's house in the New Haven colony was ever set on fire by ambushed savages, no Indian war-whoop ever scared a pale-faced babe in its cradle. If the frontier populations of the country in our own day would enjoy a like immunity from savage assaults, let them be equally careful to "do justly, and to love mercy, and to walk humbly with God."

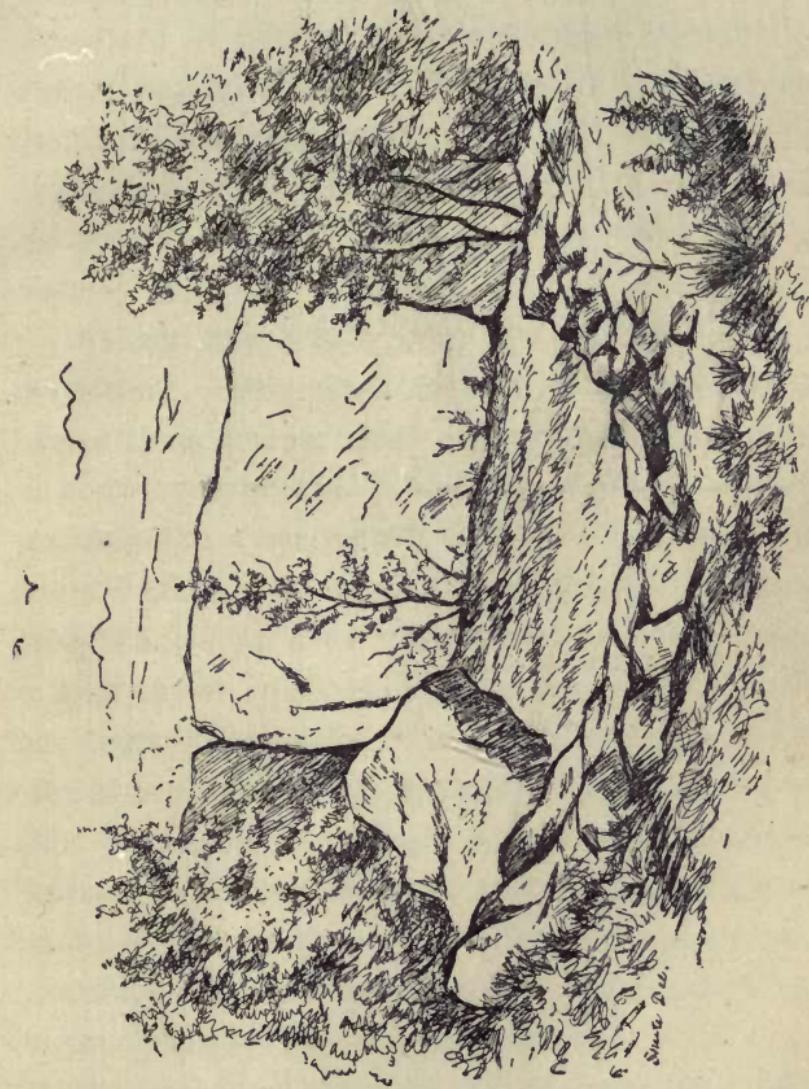
The next remove of the judges was to a place ever since called "Hatchet Harbor," some four miles distant from Sperry's farm-house, and about seven from New Haven, in the present town of Woodbridge. Here, between two immense chestnut trees,¹ evidently the remains of the primitive forest, is a fine spring, which must have been a place of frequent resort by the first settlers of that region, as it was by the Indians before them.² It

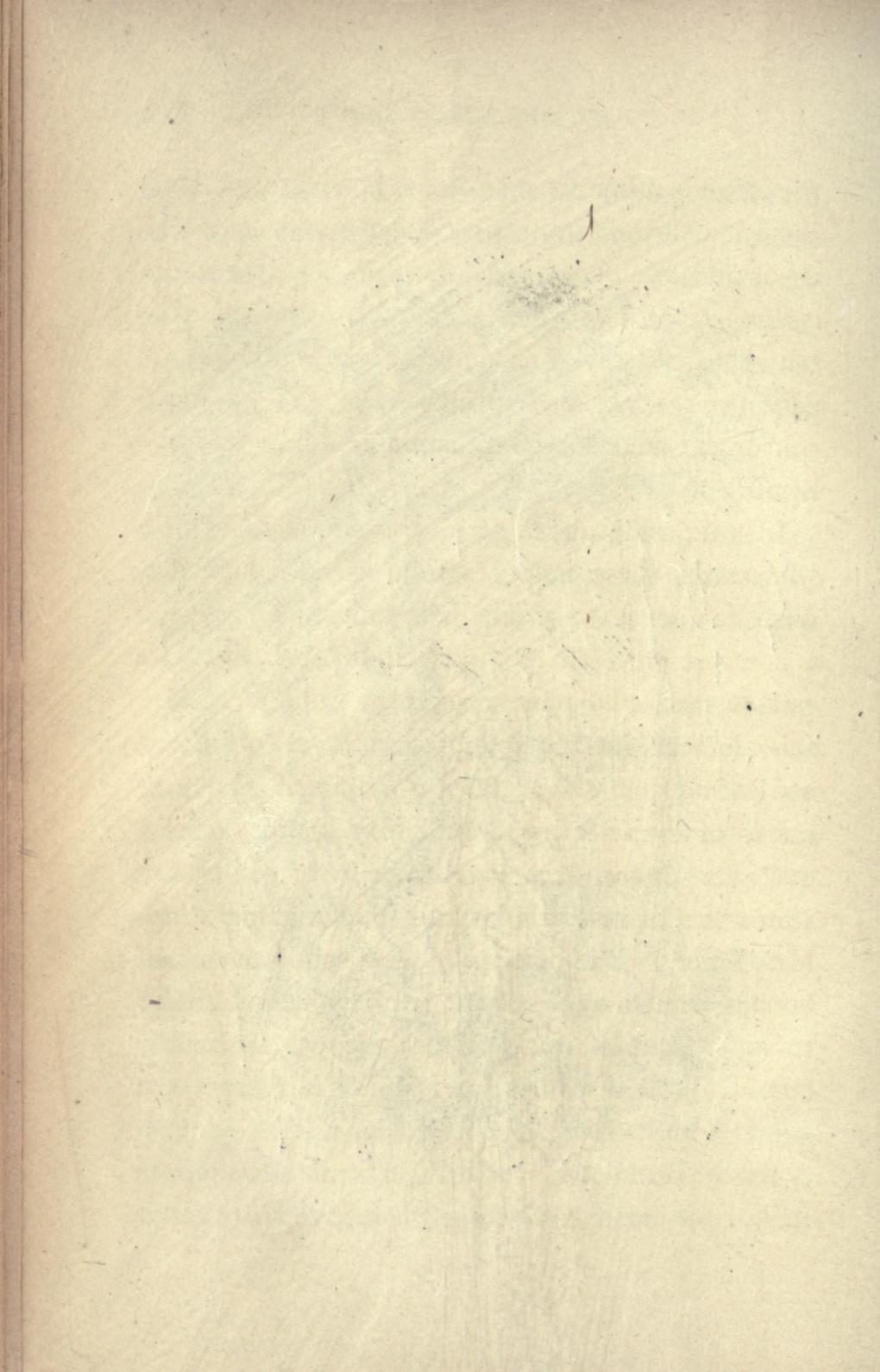
¹ President Stiles says "a walnut and a chestnut;" but this is a mistake.

² Here the president says he found a rude Indian stone idol, which is still, we think, preserved at Yale College.

is in the form of a trough, or oblong inclosure of stones, now partially displaced, but once forming a beautiful reservoir of pure water. Tradition reports that its name was derived from the circumstance, that when the judges were first conducted hither by Mr. Sperry, one of the party exclaimed, "Would to God we had a hatchet!" Almost immediately a hatchet was found, left there perhaps by some wandering hunter, with which they cut down boughs and made a temporary shelter, in consequence of which the spring was named "Hatchet Harbor."

This was a sufficiently secure retreat, being situated in the heart of the forest, but for obvious reasons it was less eligible than might be had on some of the neighboring hills which commanded a view of the town and harbor of New Haven. They soon removed, therefore, to a location about a mile further west, near the present residence of Deacon William Peck. Here, by the side of a ledge of rocks some twenty feet high, was built a cabin of stone, eight by ten feet in dimensions, and covered over by trunks and leaves of trees. The remains of the walls are still visible, a sketch of which is given in the engraving opposite. From the top of





the ledge is a fine view of the city and Long Island Sound, with the intervening villages and scattered farms and dwellings. A little spring of clear water issues from the crevices of a rock a few rods distant. "This," says President Stiles, "was undoubtedly their great and principal lodge — a most convenient and secure situation for exile and oblivion."

In this rude abode amid the solitudes of the wilderness, these refugees from royal vengeance were compelled to make their home. How great a contrast with the abundance of their English estates, the emoluments of high rank, and the splendors of the Protectorate Court, all of which had faded from their grasp as a dream! The dry leaves of the forest, with perhaps a blanket or two to cover them, were now their only couch, the stores sent at intervals by their indefatigable friend, Mr. Jones, with perhaps a few wild mountain berries, or it may be some small game caught in traps,—for fire-arms would endanger their discovery,—their scanty food, and water from the neighboring spring their only drink.

But most insupportable of all must have been their utter loneliness. Save the furtive visits of the

faithful Sperry, there was not a soul they could speak to, and he probably could give them little information of what their hearts must have so longed to know. Their Bibles,—for we think they could not fail to have carried these with them,—and the vast book of nature around and above them, the grand old trees, rich in their summer foliage, and gracefully swaying in the gentle breezes, the billowy wood-crowned hills mellowing in the distance, and above them the fleecy blue of the sky and the solemn stars at night,—the same stars that had smiled down upon them in their dear native land,—these were their only reading. But these spoke to them of God, who, in the patience of his eternity, can wait for the fullness of time in which to perform his promises, and who can shed peace and hope into the most saddened hearts ; and in these, and in their daily communion with him, they found compensation for every sacrifice, and joy for every sorrow.

The localities in the vicinity of this retreat still bear many names evidently derived from the residence of the exiles here, such as “the Lodge,” “the Harbor,” “the Spring,” “Hatchet Harbor,” “the Fort,” “the Lookout,” “Providence Hill,” etc.

The last of these seems to be improperly applied, the name strictly belonging to the West Rock, where was their cave, unless, indeed, which is not improbable, the judges gave the same name to several of their places of refuge. We know that Goffe used to date his letters to his friends from "Ebenezer," wherever he may have been, and he may for a like reason have had more than one Providence Hill.

A local tradition explains the matter thus—that one day, while walking upon the top of a neighboring hill, which the Indians had kept free from woods by frequent burnings, to give them a clear view for hunting deer, the judges imagined themselves discovered, and, taking to the thickets, they sped northward along the valley to deceive their supposed pursuers, and having thus given them a false scent, they turned westward, and came round the hill to their old place in security; on account of which deliverance, they named it "Providence Hill." It is well known how tenaciously all localities retain their ancient designations, and the numerous names of this sort attached to various points in this vicinity are conclusive proofs of the fact, alluded to in Goffe's journal,

of their having made this one of the most considerable of their hiding-places during that summer of 1661.

On the 19th of August, the judges removed from the "Lodge" to Milford, ten miles west of New Haven. The search for them was now probably over, and they may well have desired an abode nearer to the habitations of men.

The early settlers of Milford were a part of the company who first came to New Haven, and afterward divided into three parties, constituting the three plantations of New Haven, Guilford, and Milford. It is said that the cause of their separation was, mainly, that those of the first party were originally from London, bred to merchandise, and preferred a place convenient for trading; the others were rather country people, and desired lands suitable for agriculture. To these were added a number of settlers from Wethersfield, including their pastor, Rev. Mr. Prudden.

They were all alike of the strictest school of the Puritans, and were imbued with the warmest love for the principles contended for by the commonwealth men in the civil war of England. Of

course, they would be in warmest sympathy with the fugitive judges. It is believed, however, that their presence in that town was, until near the end of their residence there, known, at most, to two or three persons only, viz., Mr. Tomkins, in whose house they lived, Rev. Mr. Newton, the minister of the parish, and perhaps Mr. Fenn and Mr. Treat, the last two, as we have seen, magistrates of the colony, and Mr. Treat subsequently deputy-governor and governor. It may curiously illustrate the character of some of the office-holders of those days, to state that, having held the office of governor, the highest then in the land, seventeen years, from 1682 to 1699, he then, on the return of Governor John Winthrop from England, where he had acted as agent for the colony, requested the freemen to elect Mr. Winthrop in his stead. This they accordingly did, Mr. Treat taking the lower place of deputy-governor, and holding it till the death of Governor Winthrop, in 1710, when, being now eighty-six years of age, he declined to continue longer in public life.¹

¹ Governor Treat's wife was Jane, the only daughter of Mr. Edmund Tapp, one of the seven pillars of the Milford church. The following story is told of his marriage. He

The judges were secreted in Milford in a house standing on the west side of the principal street, some thirty rods south of the present first Congregational church, near where now is the residence of Mr. Nathan Merwin. It was a building about twenty feet square, and two stories high, of which the lower was of stone. It is the tradition, that Mr. Tomkins built it for the judges, under the pretense that it was to be a store. More probably, however, this was its original design, and that it had been used for that purpose before their arrival, but was now discontinued, so that its being closed would not be likely to attract much notice among the townsmen. The judges occupied the lower part of the building, the upper story being used by the family as a work-room, especially for spinning and weaving, both of which were among the most important household arts of that day. The family were accustomed to carry on their work here, wholly ignorant of the fact that there were living occupants of the apartment below.

was visiting one day at her father's, when he playfully drew Miss Jane upon his knee, and commenced trotting her. "Robert," said she, "be still that; I had rather be *Treated*, than trotted." Robert accepted the hint, and took the lady at her word.—BARBER'S *Hist. Coll.*

While the exiles were secreted in Milford, it is said that one of the women employed at spinning by Mr. Tomkins used to entertain her associates by singing a satirical ballad which had just come from England, ridiculing the judges and their cause, not dreaming who were a portion of her auditors. The latter were so much amused by this, that they frequently requested her employer to set her upon singing the ludicrous production, glad to while away the tedium of their confinement by a diversion purchased at their own expense. "The girls," it is said, "knew nothing of the matter, being ignorant of the innocent device, and little thought that they were serenading angels."

Finding themselves in comparative safety, and the excitement attending the search for them having subsided, the judges prolonged their stay in Milford more than two years, though maintaining a seclusion scarcely less unbroken than that of their forest Lodge. Doubtless the two or three persons already named came to see them occasionally, and through these they might communicate cautiously with their friends elsewhere. Especially would they take care to let Governor

Leete know where they were, according to their understanding with him.

We may suppose also that a few books were furnished them from the library of the good Pastor Newton. Newspapers were, of course, a thing then unknown in the colonies, although they had begun to be issued in England. The first publication of this sort in New Haven did not appear till nearly one hundred years after this. It is difficult for us of the present day to conceive of the isolation of a little settlement in New England two hundred years ago, when, as yet, there was no post, no public conveyances for travel, no wheeled carriages, and few roads except bridle paths through the forests; when, if a person wished to go to a neighboring town, he must either walk, or ride on horseback, and when a letter must be conveyed by a special messenger, unless some chance traveler was going to its destination. It is not to be wondered at that, in such circumstances, the gathering of all the people on the Sabbath for public worship served, to a large extent, as the occasion for telling and hearing news, for the delivery of letters and messages, and the interchange of those friendly greetings

and courtesies which are so necessary to the very existence of society. If, as our old people tell us, there is a relative falling off in church attendance in modern times, the reason may in part be found in the greater facilities now enjoyed for inter-communication with the world.

Notwithstanding their rigid seclusion, however, the judges managed to maintain a guarded correspondence with a few friends. Mr. Hooke occasionally wrote to them from England. Mr. Davenport sometimes came over to see them, and frequently found means to send to them portions of his own correspondence. In a few instances letters were shown them by some of the Milford people, among whom are mentioned Deacon Richard Miles and "Brother Baldwin." Besides these, a printed "Newsletter" from England was once in a while sent them. These Colonel Goffe was in the habit of copying out, in whole or in part, adding an occasional note of his own, which are still preserved in his own handwriting in the "Mather Papers."¹ The names of the authors, and sometimes other matters, are in cipher, showing how dangerous such a corre-

¹ Published in the Mass. Hist. Coll. vol. viii. pp. 122-225.

spondence was regarded to the parties concerned in it. A few extracts will be of interest to our readers.

“ It was ordered by the Parliam^t, that the L^d Mounson, S^r James Harrington and S^r Hen: Mildmay (who sate as Judges of the late K.) shall be degraded of there honors & Titles, & shall be drawn vpon Sledges with Ropes about there necks, from the Tower of London to & vnder the Gallowes at Tiburne, thence to be carried Back to the Tower, there to remain prisoners during there lives. The like was resolved of Mr. Wallop & Mr. Phelps [Phillips]. And that a Bill be brought in for the Confiscation of the Estates both Reall & p^rsonell of the Judges, 21 that are Dead, & that a Clause be inserted for the Execution of those 19 allready convicted & condemned. Evidence is to be brought in against S^r Arth: Haslerigg: S^r Hen: Vaine & Coll. Lambert are left to the tryall of the Law.”

“ As to the K’s Judges, 10 of those 19 Condemned (of whom Tichbourne is one) are pardoned as to there lives, but adjudged to p^rpetuall Imprisonné & to be drawne once in every yeere vpon Hurdles with Halters about there necks from the Tower to the Gallowes att Tybourne,

& there to stand six Houres with there hands and faces besmeared with blood."

A letter from Mr. Hooke to Mr. Davenport contains the following account of the way in which the new king was accustomed to divert himself.

" You will heere by the bearer, of the play of the Puritan before the Highest, where were p'sent (as they say) the E: Manchester & 3 B^{pps} [bishops] and London one of them. In it were rep'sented 2 Presbiterians vnder the forme of M^r Baxter & M^r Callamy, whose Habitt & actions were sett forth: prayers were made in imitation of the Puritan, with such scripture expressions as I am loath to mention— One representing the Puritan put in the stockes for stealing a pigg, & the stockes found by him vnlockt, which he admires att as a wonderfull providence & fruite of prayer, vpon which he consults about his call whether he should come forth or not, & at last p'ceived it was his way, & forth he comes, lifting vp his eyes to heaven, & falls to prayse and thanksgiving," etc.

Mr. Hooke had written to Rev. Mr. Street, colleague of Mr. Davenport of New Haven, of the the danger to be apprehended from the visit of the king's officers. In relation to it he says,—

“ The letter was not so well vnderstood, I beleeve, as you desired, but the man [Mr. Hooke himself] was in the country when he wrote it, who sent it vp to the Cyty, to be sent by what hand he knew not, nor yet knoweth who caryed it, & such were the times that he durst not expresse matte^{rs} as he would, but he fore sawe what fell out among you & was willing you [Mr. Davenport] should bee secured as well as his other freinds, & therefore he wrote that they [the regicides] might not be found among you, but provided for by you in some secret places, &c. My wives relations here [Goffe's family] are competently well, onely I heard lately as that her Neece [Mrs. G.] had an Ague. I hope yet all wilbee well, though I now heare (as I am writing) of another^r orde^r to bee sent ove^r, yet still I beleeve God will suffer no man to touch you.”

A letter to Deputy Governor Gilbert seems to intimate that the magistrates were needlessly alarmed when they proposed to give up the judges the preceding June.

“ I am sorry to see that yo^w should be soe much surprized with feares of what men can or may doe vnto yo^w. The feare of an evill is oft times more

than the evill feared. I heare of noe danger, nor doe I thinke any will attend yo^w for that matter. Had not W : L : [Leete] wrote such a pitifull letter over, the Bussines I thinke would have dyed. What it may doe to him I know not: they have greater matters than that to exersise there thoughts."

The greater part of this collection of news consists of what modern newspapers would call "Scraps," being miscellaneous items of intelligence, with anecdotes, rumors, and gossip generally. Of course the sufferings inflicted on those in the late "rebellion," the increase of impiety and licentiousness, the decline of religion, etc., are very frequently mentioned. There are also numerous accounts of marvelous phenomena, prodigies, and omens, daily occurring, which show that Cotton Mather's wonderful stories of what happened here had their full counterpart in England, and that the "superstitions" with which that great divine is so often charged were characteristic not so much of the man as the times, being entertained by the wisest and most sagacious men in the kingdom. A single specimen will suffice.

“Last Decem. there were horses seene lighting downe frō heaven vpon the ground in Wales & marching in a warlike posture to the Amazemt of many behoulders. Vpon the 3^d of March it rained wheate & Rye & pease in severall places in Dorsett. A godly Minister that saw it, & tasted some of it writes me word of it. The Tast thereof was very loathsome.”

After a couple of years' residence in Milford, the judges, finding themselves unmolested, ventured to allow themselves a little more liberty. They began to mingle a little in the society of the place, and frequently held religious meetings in the stone store, where Colonel Goffe “exercised” or preached. It has been before stated, that he was distinguished for his ability in this direction in England, and he now seems to have improved his gift to great acceptance, whenever opportunity was afforded him. He was a diligent student of the prophecies, and as skillful in the interpretation and application of the mystical arithmetic of Daniel and John as many in later days. His letters to his wife and other friends abroad abound in allusions to these matters. A favorite belief of his was, that the

execution of the regicides was the slaying of the two witnesses mentioned in Revelation xi., and great revolutions were expected to take place not later than the year 1666. Doubtless these views constituted, to a considerable extent, the theme of his "exercising" and would be listened to with profound interest by all those who were suffering under the oppressions of the restored monarchy.





CHAPTER XI.

PROCEEDINGS OF THE NEW HAVEN MAGISTRATES.



MEANWHILE how did the colony of New Haven settle the matter of their delinquency with the king?

Doubtless they were for a time much alarmed, and in no little real danger. On the 30th of July, ten days after their determination not to surrender the judges to Governor Leete, at Guilford, they received a letter, dated on the 4th, from Edward Rawson, secretary of the council of the Massachusetts colony, informing them that a letter had been sent from England, by Captain Leverett, saying that many complaints had been made against them for undutiful conduct toward his Majesty, especially in not proclaiming him king since his restoration, and in harboring the king's enemies among them.

“I am required,” said the secretary, “to signify to you, as from them [the Massachusetts council], that

the non-attendance with diligence to execute the king's warrant for the apprehending of Colonels Whalley and Goffe will much hazard the present state of these colonies, and your own particularly, if not some of your persons, which is not a little afflictive to them. And that in their understanding there remains no way to expiate the offense, and preserve yourselves from the danger and hazard, but by apprehending the said persons, who, as we are informed, are yet remaining in the colony, and not above a fortnight since were seen there, all which will be against you. Sir, your own welfare, the welfare of your neighbors, bespeak your unwearyed pains to free yourself and neighbors."

In a postscript, dated the 15th, Secretary Rawson adds, "Sir, since what I wrote, news and certain intelligence is come hither of the two colonel's being at New Haven from Saturday to Monday, and publicly known; and however it is given out that they came to surrender themselves, and pretended by Mr. Gilbert that he looked when they would have come in and delivered up themselves, never setting a guard about the house, nor endeavoring to secure them, but when it was too late to send to Totoket, &c.,—Sir, how this will be taken is

not difficult to imagine, to be sure not well ; nay, will not all men condemn you as wanting to yourselves, and that you have something to rely on, at least that you hope will answer your ends ? I am not willing to meddle with your hopes, but if it be a duty to obey such lawful warrants, as I believe it is, the neglect thereof will prove uncomfortable. Pardon me, sir, it's my desire you may regain your peace (and if you please to give me notice when you will send the two colonels), though Mr. Wood-green is bound hence within a month, yet if you shall give me assurance of their coming, I shall not only endeavor, but do hereby engage to cause his stay a fortnight, nay, three weeks, rather than they should not be sent."

The New Haven magistrates felt these representations very keenly. It appeared that they were not only endangering themselves, but bringing reproach and peril upon all their sister colonies. A General Court was convened the very next day, — August 1, — to consider the matter. The result was a reply addressed to their Massachusetts brethren touching all the points of their letter.

First, as to their neglect in proclaiming and sending their loyal address to the king, it was

through no lack of loyalty, but their ignorance of the proper mode of doing it ; but having seen the form in which Massachusetts had done it, they approved it, and did then and there adopt it as their own, promising full subjection and allegiance. As to not apprehending the regicides, they declared it was not through any contempt for the king's authority, but that they supposed the colonels had left the colony before the king's proclamation was received. Then, when it did appear, they had scruples of conscience as to obeying it, because, being addressed to the Governor of New England, if they acknowledged it, it might seem like recognizing Mr. Endicott as a general governor over all the colonies, which would be hostile to the liberties of the people ; and though other magistrates were mentioned in it, yet they seemed to be considered only as officers under him. The reason why they did not arrest the judges when they came to town on the 11th of June was, that they supposed they had come on purpose to surrender themselves, according to their promise, so that it was not necessary ; they had done what they could to persuade their friends to deliver them up ; they did not know where they then were, but would secure them if

they had a chance. As for Messrs. Kellond and Kirk, they intimated that they were over-officious, intermeddling with what belonged to the governor and magistrates only, for which they had no authority. They closed by asking that the General Court of Massachusetts would favorably report them to his Majesty, and offered to join in defraying the expenses of a resident agent in London, to intercede for them at court, to defeat the designs of their enemies, and procure all needed acts of indemnity and grace.

About the same time Rev. Mr. Davenport addressed "An Apology to the Deputy Governor of Massachusetts, to be communicated to the General Court," to assure them of "his innocency in reference to the two Colonels, and that of this poore Colony, of our Governor and Magistrates, who wanted neither will nor Industrey to have served his Majtie in apprehending the 2 Colonells, but were Prevented and Hindered by god's overruilling Providence, which withheld them that they could not excuite their true Purpose therein. I believe if his Majestie Rightly understood the Curcumstances of the Event he would not be displeased with our Magistrates, but to acquiesce in the Providence of the most high."

These statements appear to have been accepted as satisfactory, at least so far as the authorities at New Haven were concerned; and the regicides being now literally out of the *settled* part of the colony, if not beyond its territorial limits, in the depths of the forest, it was taken for granted that they had escaped. To complete, however, all requisite *official* action, the following Declaration was adopted by the Assembly of the Commissioners of the United Colonies, at their meeting in Hartford, September 5:—

“Whereas it appeareth by his Majesty’s order directed to John Endicott, Esq., Governor of the Massachusetts, & to all other Governors and Magistrates in New England, and by him communicated to the respective Governors of the United Colonies, for the apprehending of Edward Whalley and William Goffe, who stand convicted of high treason for the horrid murder of his royal Father, as is expressed in the said order, and exempted from pardon by the act of indemnity; in obedience whereunto diligent search hath been made for the said persons in the several colonies (as we are informed); and whereas, notwithstanding, it is conceived probable that the

said persons may remain hid in some parts of New England, these are therefore seriously to advise and forewarn all persons whatever within the colonies not to receive, harbor, conceal, or succor the said persons so attainted, or either of them, but that as they may have any knowledge or information where the said Whalley and Goffe are, that they forthwith make known the same to some of the Governors or Magistrates next residing, and in the mean time do their utmost endeavor for their apprehending and securing, as they will answer the contrary at their utmost peril. And we do hereby further declare that all such person or persons, that since the publication of his Magist'ys order, have wittingly and willingly entertained or harbored the aforesaid Whalley and Goffe, or hereafter shall do the like, have and will incur his Majesty's highest displeasure, as is intimated in the said order, and will be accounted enemies to the public peace and welfare of the United Colonies, and may expect to be proceeded with accordingly.

JOHN MASON,
SAMUEL WILLIS,
WILLIAM LEET,
THOMAS PRINCE,

SYMON BRADSTREET,
DANIEL DENISON,
THOS. SOUTHWORTH."

With this proclamation all active efforts for the apprehension of the judges ceased, and the subject about this time became complicated with another of more absorbing interest, viz., the proposed union of the two colonies of Connecticut and New Haven.

In consequence of disputes which had arisen between Massachusetts and Connecticut, as to the limits of their respective jurisdiction, the latter dispatched their governor, Mr. Winthrop, as a special agent to obtain a new charter from the king. He was a gentleman of great ability, of broad and generous views, and of a winning address. "In him," says Bancroft, "the qualities of human excellence were mingled in such happy proportions, that, while he always wore an air of contentment, no enterprise in which he engaged seemed too lofty for his powers. Even as a child, he had been the pride of his father's house; he had received the best instruction which Cambridge and Dublin could afford, and had perfected his education by visiting, in part at least in the public service, not Holland and France only, in the days of Prince Maurice and Richelieu, but Venice and Constantinople.

“From boyhood his manners had been spotless, and the purity of his soul added luster and beauty to the gifts of nature and industry; as he traveled through Europe, he sought the society of men eminent for learning. Returning to England in the bloom of life, with every promise of preferment which genius, gentleness of temper, and influence at court could inspire, he preferred to follow his father to the new world, regarding ‘diversities of countries but as so many inns,’ alike conducting to ‘the journey’s end.’ When his father, the father of Massachusetts, became impoverished by his expenses in planting the colony, the pious son, unsolicited, and without recompense, relinquished his large inheritance, that it might be spent in furthering the great work in Massachusetts, himself, single-handed and without wealth, engaging in the enterprise of planting Connecticut. Care for posterity seemed to be the motive to his actions.

“His knowledge of human nature was as remarkable as his virtues. He never attempted impracticable things, but understanding the springs of action, and the principles that control affairs, he calmly and wisely succeeded in all that he

undertook. If he had faults, they are forgotten. In history he appears, by unanimous consent, from early life without a blemish; and it is the beautiful testimony of his own father, that 'God gave him favor in the eyes of all with whom he had to do.'

It was the happiness of New Haven that this rare man regarded her interests as well as those of Connecticut, his own colony, vindicating her loyalty and repelling the accusations which had been made against her. Fortunately, at that time there were two persons high in favor at court, who had been life-long friends of the colonies. Lord Say-and-Seal, who had been a member of the Long Parliament, and one of the patentees of the colony, had been active in bringing about the king's restoration, and was now Lord Privy Seal. The Earl of Manchester, whom Charles I. had attempted to seize in Parliament, along with the five members of the House of Commons, had now become a friend of the king, and was Lord Chamberlain of his Majesty's household.

To these gentlemen Mr. Winthrop presented himself with letters from the General Court, and

was received with much favor. The governor, it is said, had a valuable ring, which had been given to his father by Charles I.; this he now presented to the king. The graceful act exceedingly pleased his Majesty, and the result was, that he listened most graciously to the colony's application, and granted them a charter of the most liberal kind. Its terms embraced the colony of New Haven also; and although the latter were loth to lose their independence, and for a time refused to accept the jurisdiction of the new charter, yet, after a little while their reluctance was overcome. The manifest advantages of that instrument, the necessity of union with their sister colony for defense against the Indians and Dutch, and other reasons, won from them at last a reluctant consent, and the union was happily consummated in 1665. It was this charter which twenty years later became memorable from the attempt under James II. to revoke it, to avoid which it was secreted in the famous oak at Hartford. So excellent were its provisions, that when the colony became a state, at the revolution, it was still retained as the fundamental instrument of government, and continued in force till the year

1818, when it was superseded by the present constitution.

So ended all the active attempts to arrest the fugitives, or to call the colony to account for secreting them. From time to time, indeed, inquiries were made after them by royal officers or agents, but no information could be obtained. The last instance of the kind was that of the notorious Randolph, in 1683, at which time both were dead. In the colony itself, the magistrates were rewarded with renewed honors. Governor Leete and Deputy Governor Gilbert were re-elected, and Mr. Jones, who had been and still was their most active friend, was chosen one of the magistrates, and the next year (1664) Deputy Governor. Loyal indeed the colonists were to their sovereign, as they understood loyalty, but they also believed they held a higher allegiance to Him whose servants they recognized in the outlawed and hunted exiles that had thrown themselves on their protection. Faithfully and well did they discharge their trust.



CHAPTER XII.

REMOVAL TO HADLEY.

WHILE the judges were enjoying their increased liberty at the old stone store in Milford, there came news to them, in the summer of 1664, which renewed their most serious apprehensions. Commissioners had been appointed by the king to visit the colonies, to hear and adjust disputed questions of boundaries, "and proceed in all things for the providing for and settling the peace and security of the said country, according to their good and sound discretion." They were also specially instructed to inquire whether any persons attainted for high treason were now within the colony, or had "been entertained and received there," and to apprehend such persons if they could be discovered. If this were attempted, no place would be so likely to receive the most thorough attention as this col-

ony of New Haven, where the refugees had last been seen, and whose people still remained under the known suspicion of harboring and concealing them. It was at once decided, therefore, that their safety demanded a speedy flight to some locality hitherto unsuspected, and where they would be as far away as possible from the likelihood of pursuit.

Far away in the north-west, on the then remotest frontier of the English plantations, was the little settlement of Hadley, which had been founded six years before by the Rev. John Russell and a portion of his congregation from Wethersfield, Conn. It will be remembered that a number of the early settlers of Milford, together with their pastor, Rev. Mr. Prudden, had come thither from Wethersfield. From this circumstance, doubtless, an acquaintance had been perpetuated between these two towns, which, upon the removal of Mr. Russell and his friends to Hadley, would naturally extend thither also. Mr. Russell was an ardent Puritan, and a man of great courage and resolution, and, on learning the imperiled condition of the patriots at Milford, did not hesitate to incur the risk of receiving them to the shelter

of his own house, where, in the far remote and almost unknown hamlet in the wilderness, surrounded by bands of hostile Indians, they would be beyond the reach of discovery.

Accordingly, they set forth from Milford on the 13th of October, for their long and tedious journey. They traveled only by night, resting during the day at various lodging-places on the way, which they called "harbois." One of these, on the bank of the rivulet in the present city of Meriden, still bears the name of "Pilgrim's Harbor." The journey thus accomplished must have occupied nearly a week, the distance being little less than a hundred miles. No one in the place knew of their arrival, except the family of the pastor and one or two of the leading inhabitants.

Mr. Russell's house was still standing in 1792, and was visited by President Stiles, who describes it thus:—

"Although repaired with additions, yet the chamber of the judges remains obviously in its original state, unmutilated, as when these exiled worthies inhabited it. Adjoining to it behind, or at the north end of the large chimney, was a closet, in the floor of which I saw still remain-

ing the trap-door through which they let themselves down into an under-closet, and so thence descended into the cellar for concealment in case of search or surprise."

A still fuller description of this hiding-place is given in Judd's History of Hadley, from the lips of Mr. C. Gaylord, who was born and had long lived in the house.

"Before he was born, his father took down the north or kitchen part of the Russell house, and rebuilt it in nearly the same place. It was two stories high in the front, westward, and one in the rear, and the old cellar remained. Above were two spacious chambers, and overhead appeared the joists and garret-floor whitewashed. North of the chimney was an inclosed place with two doors, used as a passage between the chambers, and for other purposes. The floor boards of this passage or closet were laid from the chimney to the north side, and the ends went under the boards that inclosed the apartment. One board at least was not fastened down, and it could be slipped one or two inches to the north or south, and one end could then be raised up. [This must have been President Stiles's trap-door.] Mr.

Gaylord, when a boy, had many times raised this board and let himself down into the space below, and restored the board to its place above him. He was then in a dark hole, which had no opening into any of the lower rooms ; if there was once a passage into the kitchen cellar, it had been closed. There is a tradition that the judges were once concealed in this dark place behind the chimney, when searchers went through the passage above. They could easily lift the board and hide themselves in this under-closet."

Tradition also relates that the exiles staid part of the time at the houses of the Hon. Peter Tilton and Lieutenant Samuel Smith, two of the prominent residents of the place. Indeed, we know that Mr. Tilton was one of their warmest friends, and the chief medium of communication between them and the outside world.

In this remote asylum the judges passed the next twelve years, at least, until the death of Colonel Whalley, which occurred about 1675. So close was their seclusion that few incidents have transpired concerning them, even in tradition. The little that is known is derived from the letters contained in the "Mather Papers," already

referred to (p. 223). It appears from these, that they still maintained a guarded correspondence with their friends abroad, by means of which, and of the "newsletters" occasionally sent them, they were kept tolerably well informed of affairs. Their letters were for the most part transmitted through Dr. Increase Mather, of Boston, who sought for opportunities of sending them by safe hands to their destination. Goffe's letters to Dr. Mather himself abound in the most grateful acknowledgment of the favors thus rendered to them, and the most fervent supplications for blessings upon their benefactor in return.

On the 10th of February, 1665, the exiles were visited at Hadley by Colonel Dixwell, one of their fellow-judges, who, after the Restoration, had fled to Germany. When or how he came thence to this country is not known. That he received a cordial greeting from his old companions in duty and danger there can be no question. How much they had mutually to communicate of their history since they last met! how many hardships endured, how many dangers escaped! What painful events had they to recount concerning mutual friends and associates, some of whom

were in exile, some in prison, and not a few, alas! consigned to a felon's death and infamy! How many tears had they to shed for poor, beloved, re-enslaved England; for her persecuted ministers and churches, and for the cause of truth and righteousness cast down to the ground! Often must the chambers of the good pastor have borne witness to the sacred griefs of this communion of the Lord's servants, and their mutual supplications for themselves and for all they held most dear.

Colonel Dixwell remained several weeks, perhaps months, in the society of his fellow-exiles at Hadley, and then removed, and after some years, under the assumed name of James Davids, fixed his residence at New Haven. Doubtless he was led to do this by the reports received from them of the temper of the people of that town, and the certainty that he would there find himself among friends. We shall speak more fully of him in a subsequent chapter.

Among the papers mentioned, there are no letters either to or from Colonel Whalley distinctively. He was now an old man, and probably the labor of writing was irksome to him;

possibly he was already falling into that state of imbecility in which his last days were spent. His son-in-law performed that service for both; and, indeed, their circle of relatives and friends was so nearly the same that there could be no occasion for any separate correspondence.

Chief in interest of all their letters are those which passed between Goffe and his wife. They are disguised under fictitious names, purporting to be those of a son and his mother, the former called Walter Goldsmith, and the latter Frances Goldsmith. Their principal theme, after the fashion of that day, is religion; but there is also much tenderness of affection and concern for each other's welfare, and often a grave playfulness, which shows that their hearts were not wholly crushed by separation and sorrow.

The first which we have is from Mrs. Goffe, under date of October 13, 1671. Why those which she must have written during the ten years preceding were not preserved we do not know. She was a very bad speller, as were most of the ladies of that time, and we will do her the favor to let her be read in our modern orthography, rather than her own.

“For my dear friend, Walter Goldsmith, these. Dear Child: I have been abundantly refreshed by thy choice letter of the 10th of August, and also by the book [probably his journal] you took the pains to write for me. I bless the Lord it came in very good time to my hands, I being now with my dear aunt Jane [Mrs. Hooke], to whom we are engaged for her kindness. She took it very kindly that you wrote to her, and returns thanks. Through mercy we are all in health, and do experience much of the love and care of our good God in supporting and providing for us in such a day of trial as this. I rejoice to hear that the country agrees so well with you, and that you thrive so well. It is the Lord’s blessing, and it is marvelous in our eyes that we should be provided for when many of his dear children want. The Lord make us truly thankful, and give us hearts to be willing to be without what he will not have us to enjoy, though never so much desired by us. We are to be at the disposal of our heavenly Father, and though he exercise us here with hard things, heaven will make amends for all.

“I know not whether this may come to you safe, and therefore shall be the briefer; but I am will-

ing to take all opportunities to let you know how it is with us, and how dear you are to me and your three sisters [daughters], longing greatly to see you. I bless the Lord your sisters are not taken with the vanities of the times.

“ I am glad you received what was sent. We are fain to be thrifty [i. e., careful of expenditure], and therefore I shall forbear sending till I hear what it is you want; but if in anything I can serve you, pray command me, for I shall do it to the utmost of my power, if the Lord permit. I beg your prayers and promise mine, and with my endeared love to thyself, and duty and service to all friends, committing you and them to the safer protection of the Almighty, I take my leave, and till death remain

“ Your dear and loving mother, to my power,

“ FRA. GOLDSMITH.”

In a postscript Mrs. Goffe adds a little medical advice, both for his “ friend ” — probably her father — and for himself.

“ Surely tobacco is very good for your friend; but, by the next I hope to send some particular direction, for I purpose to take advice of an old

friend; but this is so sudden that I have no time. By reason of the cold, if you wear a periwig you might enjoy more of the air; if so, pray send for one."

As is suggested above, the exiles were well supplied with money from their friends, both in Old and New England. On one occasion, Mr. Richard Saltonstall sent them fifty pounds. Indeed, they seem to have been able to do something for their own support by trading — of course through the agency of third persons — with the Indians in their neighborhood. Thus Goffe, in his reply, to the foregoing letter, remarks, —

" You will p'ceive how the Lord is pleased to send in supplies for the carrying on of a little trade here among the Indians; as the p'sent stock in N: E: money between my p'tnr [partner] and my selfe is somew^t above 100 *li.* [pounds], all Debts p^d, therefore pray speake to Mrs. Jaines [Mrs. Hooke] not to send any more till shee be desired from hence, tho; wee do not every yeare receive a fresh Token, yet what wee weare & eat may evry day put us in minde of her, & of her kindnes, & therefore neither she, nor her labo^r of loue can be forgotten by us. All the things sent

by Fairewether are come to hand. Besides what was written in a little paper by your own sweet hand, we have rec'd 6 p^r of gloves & 40^s in silver, not mentioned in any letter or paper that is come to us."

Whether the tobacco was likely to be as useful as she hoped he does not say, but he doubts the sufficiency of the periwig.

"I humbly thank you for the continuance of your motherly affection towards me, most unworthy thereof, and in p^rticular for your care to fence me against the cold ayre. But the way you p^rpose will not doe it, for I must tell you the aire of this countrey in the winter is exceeding pearcing, that a sickly person must not dare to venture out of Dores, tho: neuer so well clothed, except the Lord be pleased to make the Climate a little more Temp^rate, which also he is able to do."

How gratefully his heart is moved at the intelligence of his daughter Frances's conversion.

"That which you write concerning Deare Frank I cannot read without teares, not of grieve but of Joy, for I have no greater joy than to heare that your children walk in the truth, as St. John speakes

(Epi: 3) to Gaius. And tho: as you write we must be contented tho: we cannot as yet experience that in his 2 Epistle, ver. 12 yet it is matter of great joy and thankfulnes to the Lord that we do in the mean time experience that which he speakes in the same Epistle, ver. 4. Now the good Lord perfect the good worke he hath begun in her, & make it more & more evident to your selfe & others of his people that she is indeed passed from Death to life."

In a subsequent letter, Mrs. Goffe informs him of the same daughter's marriage. In respect to this he replies, —

"In a former letter to yourself, when you desired my thoughts concerning her, I told you I was confident the Lord would take care of her, and in due time p'vide a Husbande for her, and now he hath done it shall I question whether he hath done it well? Noe, I dare not do it. It is a greate satisfaction to me that you sought the Lord, & tooke Advice of our dear & christian friends, & that my sister [daughter] was guided in her choyce by yourself & them, & desire with you to bless the Lord that hath p'vided so welle for her, & shall not cease to

pray night & day on their Behalf, that the Lord will be pleased to make them greate blessings to each other, & that this new condition may be every way & allwaiers comfortable to them boath, for as you very Truely say, it will be as the Lord shall be pleased to make it. I pray remember my most tender & affectionate loue to them boath, & tell them that I greatly Long to see them; but since that cannot be at p'sent you may assure them that whilst they shall make it there great Worke to loue the Lord Jesus in sincerity & loue one another dearly for Christ his sake, & to cary it with tender loue & dutifull Respect to yourself, I shall esteem it my duty to loue & pray & act faith for them as if they were my own Children, being not otherwise able at this distance to be helpfull to them."

He is anxious to know something more of his son-in-law's religious character.

"Deare Mother, I pray in your next, Speake a little more fully concerning his Godlines, for you say nothing to that, except by the phraise of a very Honeste man, you mean a very Godly man, as I hope you doe."

He adds the following advice to the young couple :—

“ My pore Sister begins her housekeeping at a time when Trading is very lowe, and all p'visions deare & I cannot but pitty her in that Respecte. I hope shee will not be discouradged nor her hus-bande neether, but for P'revention I desire them to consider seriously and to act faith vpon that most excelent Counsel our Lord delivered with authority in his Sermon on the mount Mat. 6th, from the 24 ver. to the ende of the chapter.”

The same letter brought him also the afflictive intelligence of the death of one of his daughters, probably the second. But the good man's heart is as calm under the stroke of sorrow as the smile of joy.

“ Deare Mother, I have been hithertoe congratulating my new marryed Sister, but I must now turn aside to drop a few Teares vpon the herse of her that is diseased, whose losse I cannot chuse but lament with teares & so share with you in all the P'vidences of God towards us ; but my deere Mother let mee not be the occasion of reneweing your Greefe for I doubt not but you have grieved enough, if not toe much already. Let us consider

how graciously the Lord deals with us (as for our deare Sister, shee is got beyond our Pitty ; wee need not lament for her Sake, but rather rejoice that shee is at rest in the Bosome of Christ) who whilst he is taking from vs with one hande gives double with the other. He hath added one to your Famely on whome I hope you may sette that motherly afection as if he were your owne son, — & shall we not say with Job the Lord hath given & the Lord hath taken : blessed be the Name of the Lord.”

Mrs. Goffe's next letter brings mingled joy and sorrow, announcing the birth and death of a grandson. How sweetly does he both congratulate with and comfort them upon the event !

“ Deare Mother, it is a greate Comfort to me to heare that the Lord was graciously pleased to appear on my deare Sister's behalfe in the needful hour, and desire with you to bless the Lord for that greate Mercy, & I hartily thank you for giving me so quick a notice of it. Deare Mother, it was likewise a great Mercy that the Lord was pleased so far to satisfie your Desire as to make you the Joyfull grand-mother of a sonne. And tho : it hath pleased the Lord so soon to transplant him

from the millitent to the tryumphant church yet it may be a great comfort to yourself & my deare sister that from your wombs hath p'ceeded the increase to the mysticall body of Jesus Ch: & reckon it a mercy that the Lord being purposed to take him from you in his infancie was pleased (that it might be the more easy to you) to do it before it had much time to take deep Roote in your affections, for I doe believe the longer yourselves & his other Relations had injoyed him, the harder it would have beene to us all to have parted with him: But what shall we say more? It may be such considerations as these are too selfish; it is enough to compose the harts of the Children of God vnder every P'rvidence to say it is the Lord hath done it, our louing & tender harted infinitely wise Father hath declared his royall pleasure, & it is our duty to submit to it, yea to rejoice in it."

For his surviving unmarried daughter he sends a father's remembrance.

"I pray remember my deare loue to sister Judith, & tell her from me she must now be a very good child, & labour to know the God of her father, & serve him with a perfecte hart & with a wiling

Minde, 1 Chr. 18. 9. & leaving to greeve for her sister & Nephew that are at reste with God strive with all her might to be a comfort to her pore afflicted mother, who is contesting with the difficulties & temptations of an evill world."

He adds a gentle caution to his wife against indulging an excess of sorrow.

" I thank you for what you have written concerning those Relations I desired to heere of, & the rather because you say you cannot write much through the weaknesse of your eyes, & I fear it may hurt them to read these long letters. I beseech you to remember that weak eyes are made weaker by too much weeping. Pray take heede you doe not hurt yourself thereby."

Can anything be finer in its way than the following bit of *pleasantry* ?

" Now my Deare Mother, give me leave in a Postscript to be a little merry with you, & yet serious too. There is one word in one of your Letters that sounds soe harshly & looks soe untowardly that I cannot tell well how to reade or look vpon it, & I know not how to write it, & yet I must, tho : I crosse it out again. I suppose you doe by this time sufficiently wonder what will follow ;

but the matter is this. After you had given mee a louing account of a busines wherein you have done your best, you were pleased to say, that if I should be *angry* you had many to bear with you &c. Rash anger, I confess, is a burthen that needs more Shoulders than one to bear it, for Solomon saith a stone is heavy & the sand weightie but a fool his wrath is heavier than them boath. But oh, my deare mother how could you fear such a thing from me? Yourself knoweth I never yet spake an angry worde to you, nay I hope I may say, without taking the Name of God in vaine, the Lord knoweth I never conceaved an angry thought towards you, nor doe I now, nor I hope never shall. And in so saying I doe not commend myself, for you never gave mee the least Cause, neether have you now, & I beleeve never will. Therefore, Deare Mother, the whole praise belongs to yourself or rather to the Lord who, blessed be his Name, hath so vnited our harts together in loue that it is a thing scarce possible to be angry one with another. But I shall now conclude with a Request that you will not be angry with yourself for writing that

worde I have spoken so much against, for I suppose all your meaning was, if I should not altogether approve of what was done, &c. And I am abundantly satisfyed that the roote from which that fear sprung was tender loue, & that you speake your hart when you say you loue & honer me as much as ever, which may well increase my longings after you, for the exceeding grace of God in you. Now thanks be vnto God for his vnspeakeable Gift, 2 Cor. 9. 14. 15."

These tender assurances of her husband were fully responded to by the devoted wife.

" My dear, I know you are confident of my affection; yet give me leave to tell thee, thou art as dear to me as a husband can be to a wife, and if I knew anything that I could do to make thee happy, I should do it, if the Lord would permit, though to the loss of my life."

Times of revolution develop noble women, as well as heroic men, and none nobler adorn the pages of history than those who thus bore uncomplainingly the hardships of that period. Their courage strengthened the hearts of those who served in the field, or languished in prison or in exile; their sweetness and piety gave a charm

to domestic life, and were perpetuated in the virtues of their children. Their memories should be cherished as among the richest treasures that have come down to us from the generations of the past.

It is often alleged that these stern Puritans, who scrupled not to take the life of their king, were iron men, destitute of feeling, and especially that they were intolerant toward those who differed from them in religious opinion. To those who think thus, we commend the following letter of Goffe's, pleading for mutual charity and concession among Christians. It is dated August, 1671, but the address is wanting; so that we are ignorant of the precise occasion to which it refers. Its beautiful and tender spirit, however, can not be mistaken.

“As for the things wherein you differ, Alase, Dear Sirs, tho: Blessed be God, you are feeding with Christ among the lilies, yet it is night, & a dark night too, wherein both your selves & the S^{ts} [saints] elsewhere are conflicting with stormes & foggs, whilst dangerous rockes & sands are lying on both hands of you, and (with them in Paull's shipp) you are wishing

for the day ; have patience therefore one with another untill the Day breake, and the shad-dowes flee away. Then shall you behould the Lamb standing vpon Mount Syon, & ruleing in the strength of the Lord, in the majesty of the name of the Lord his God," etc.

" Postscript. You have another freind yet alive [Whalley] that desires to give his hearty Amen to these weake Breathings after love & peace among Bretheren, and commend to your meditation that sweet scripture : Psall : 133. *tot.*

" Since the writeing of thes poor lines, I have perversed the Reuer^d [Synod's] preface to the plate-form of Discipline agreed vpon in the year 1649, (not remembiring that I euer read it till now) and cannot but be much affected with what they vrge with respect to there Brethren of Differing Judge-men^{ts} in England & Scotland in refference to a Brotherly forbearance one of another in disputable things, not only frō the Scriptures but their own example, & the evill consequences that were likely to ensue to the churches, both in O : & N : E., by their Divisions, and do heartily wish that your-selves may be now moved to attend therevnto, not onely by the example of these your worthy prede-

cessors, but also by the sad examples of those Brethrⁿ of whom they then spake, whose continued Divissions haue since brought vpon them in a great measure the Distraction & Destruction of all the churches in both Nations, which, (as it were with a propheticall spirit) that Reuer^d Synod did then forewarn them of. But my sp^t faileth me & my heart is overwhelmed within me, while I am lookeing vpon the languishing spouse : I must therefore turn me, & poure out my soul to her Dear Lord. Oh, Blessed Lord Je : shee whom thy soul loveth is sick, yea, so sick, that many of her phe-
sitiants & ffreinds that stand weeping about her, say there is no hope ; others indeed say there is yet some hope : But O thou the Hope of Israell ; and is this thy mournfull voyce, (oh Blessed spouse) vttered from the clifts of the rock & secret places of the staires, so sweet to Christ ? as he is graciously pleased to say it is, vers. 14, Oh then, How will thy heart ere long be ravished with his joyfull voyce when he shall come to call thee out of those clefts and say vnto thee, Rise vp my love, my faire one & come away," etc.

" Oh that our Hearts were inflamed with love ! for tho : many waters cannot quench love, yet I

am assured that were the Hearts of Christians inflamed with sinclear loue to Christ, and all the saints, it would certainly drink vp & consume many waters, even those Bitter waters of strife which are so apt to arise in every society. I shall therefore conclude with that well-known (oh, that it were as well practised) exhortation of the apostle, Finally, Bretheren, farewell. Be perfect, be of good comfort, be of one minde, Live in peace and the God of Love and peace shall be with you. 2 Cor. 13. 11."

A single extract from one of Goffe's letters to his wife will afford a specimen of his method in expounding and applying the prophecies of Scripture. After alluding to the fearful judgments which were, as he believed, about to be launched upon England and her colonies, he proceeds:—

“But He that hath His right foot upon the sea & his left foot upon the land will so overrule all these motions that the issue of them shall be the advancem^t of His own kingd^o in the ruin of Antich: [antichrist] and his adherents. It shall be known that He is the Govern^r among the nations. Psa: 22, 28, & that the Kingdoms of

this world are the Kingdoms of our Lord & his Christ; and tho: the nations be never so angry at it, He will take to Himselfe His great power, & reigne, Rev: 11, 15, 16, 17, 18; and the 24 Elders (that is, the members of the true gospel church) that sit vpon their seates, shall fall vpon their faces & congratulate His majesty; for in that day there shall be the shout of a King among them. But this place makes me sometimes to feare, that at the first sounding of the 7th Trumpet the churches may by reason of the foregoing tryalls be very much stript of their officers, or at least many of them. Because I find in this place, & no other in the whole booke of the revelation the publick worship of God celebrated by the Elders onely, heres no mention of the 4 Beastes (which are the ministers & officers of the churches). Why whats become of the 4 Beastes, that should be the leaders in the publick worship, as you may see Rev. 4, 9, 10. Surely think I, The gr^t storme that was imediately to precede the 7th Trumpet hath driven them into sorrows & some way or other devided them from there congregations, that they are not at hand, in an orderly way at least, as officers, to

celebrate the prayses of the Lambe att the first Blast of the 7th Trumpet, & what you write of the losses the churches & peo. of God have lately sustayned of that kind, & the Difficulty of getting men duely qualified to succeed in the rome of those taken away, doth not a little increase these my apprehensions. But I am againe p'swad-ed fro Chapt. 14, 1, 2, 3, 4, 5, that these Breaches shall soone after the sounding of the 7th Trump : be made up, for that chapter carying on the history of the Church frō: thence where the 11th ended, it appeares plainly that a little after the sounding of the 7th Tr. the Lambe shall stand upō Mount Syon (that is in a firm, stable condition, &c.) with his 144000; & then the Breaches made upon the churches shall be made up. There eyes shall see their Teachers, as it is Esa: 30, 20, & then they shall sing a new song before the throne, & before the 4 Beasts & the Elders, ver: 3, now that the 14th chapter begins where the 11th ends may thus appeare, for tho : the 12. & 13 chapters come between, yet they have the same ending with the 11th for the 12 chapter is a breefe repetitioⁿ of the whole state of the ch^{ch} from the primitive times till about the slaying of the witnesses, or the end of

the 1260 dayes of the woman's being in the wildernes: and the 13th chapt. treats of the rising of the Beast (that is Antich :) & his 42 m^o reigne & making warr with the saints, during which time he makes the 2 witnesses prophesy in sack cloth 1260 dayes, & and at last overcomes & slays them, of which the 11th chapter speakes, upon whose riseing & assending after a great earthquake, the kingdom of the Beast shall be noumbred & finished, & thereupon the 7th Trump^t sounding O^r L^d Jesus takes to himselfe his gr^t power & reigne, so that the 11th 12th & 13th chapters seem to have all one & the same ending, bringing the story both of the church & of Anti-christ into the period from whence the 14th chapt. doth proceed: But a little time may make these things more plaine."





CHAPTER XIII.

DEATH OF WHALLEY AND GOFFE.

SO passed the tedious years away in correspondence, in the study of the sacred prophecies, which filled them with the hope of a brighter day about to dawn, and on the part of Goffe in ministering with filial devotedness to the wants of his venerated and now feeble companion. A very few friends were admitted to their seclusion,—among them their good host Mr. Russell, his neighbor Mr. Tilton, Governor Leverett, who resided in the village, and perhaps others. It was yet unsafe for them to be known, there being persons ever ready to gather up every item of news that would bear against the colonies, and send it to their enemies in England.

Whalley's death occurred first, but precisely when is not known. The last mention of him as

living is made in Goffe's letter to his wife, dated August 6, 1674.

“ Your old friend [her father] is yet living, but continues in that weak condition of which I have formerly given you account, and have now not much to add. He is scarce capable of any rational discourse, his vnderstanding, memory, and speach doth soe much faile him, and seems not to take much notice of any thing that is either done or said, but patiently hears all things, and never complains of any thing,— Indeed he scarce ever speakes any thing but in anser to questions when they are put to him, which are not of many kinds, because he is not capable to answer them. The common and very frequent question is to know how he doth, and his anser for the most part is, ‘ Very well, I praise God,’ which he vters with a very lowe and weake voice. But sometimes he saith ‘ Not very well,’ or ‘ Very ill ;’ and then if it be fur-ther said, ‘ Do you feel any pain any where ?’ — to that he always answereth us. When he wants any thing he cannot well speake for it, because he for-gets the name of it, and sometimes asks for one thing when he means another, so that his eye or his finger is oftentimes a better Interpreter of his

minde than his tongue ; but his ordinary wants are so well known to us that most of them are supplied without asking or making signs for them, and some help he stands in need of in every thing to which any motion is required, having not been able of a long time to dress or vndress himself, nor to feed or ease nature either way, orderly, without helpe. And it's a great mercy to him that he hath a friend that takes pleasure in being helpful to him ; and I bless the Lord that gives me such a good measure of health and strength, and an opportunity and heart to use it in soe good and necessary a worke. For tho : my helpe be but pore and weake, yet that ancient servant of Christ could not well subsist without it, and I doe believe, as you are pleased to say very well, that I doe enjoy the more health for his sake."

His death must have occurred not many months later, and his burial took place behind the wall of the cellar in Mr. Russell's house. It has been a popular belief at New Haven that the bodies of Whalley and Goffe were both removed thither, and buried in their ancient graveyard beside that of Dixwell, and President Stiles gathers whatever of tradition and fact goes to confirm that opinion. It

is in consequence of this that the old stones marked E. W. and M. G. have been supposed to be theirs, and were not removed with the other monuments to the newer cemetery.¹ But in the case of Whalley, certainly, this is a mistake. Not only does tradition at Hadley uniformly represent him as buried there, but the remains themselves were actually discovered in 1795, during some repairs which were being made upon the ancient parsonage. The following account of the event is taken from Judd's History of Hadley :—

“ In taking down the mid part of the front wall next to the main street, the workmen discovered, about four feet below the top of the ground, a place where the earth was loose, and a little search disclosed flat stones, a man's bones, and bits of wood.

¹ It was supposed that the inscriptions on these stones were designed to mislead, and thus save the graves from being desecrated by the British government, as the graves of the regicides in England had been. Hence the date of the E W stone was so cut as to be read either 1658 or 1678. The M on the smaller stone, with a broad stroke under it, might stand for an inverted W, thus making the initials of William Goffe. This theory is now, we believe, entirely discarded. The real persons buried here are thought to be Edward Wigglesworth and Matthew Gilbert, the latter the well-known colonial governor.

Almost all the bones were in pieces, but one thigh bone was whole, and there were two sound teeth. Dr. S. K. Rogers, who then resided in Hadley, examined the thigh bone, and said it was the thigh bone of a man of large size. This and the other bones were laid on a shelf, and in a short time they all crumbled into small pieces, and were not preserved. No other grave was found behind the cellar wall. The flat stones, from their position, were apparently laid upon the top of the coffin."

In the autumn of 1675 occurred the famous King Philip's war, which was so terrible to the infant colonies of New England. Hadley, being one of the frontier towns, was greatly exposed. An attack by the Indians was made upon the village on a public Fast day, while the inhabitants were assembled for worship. At that time it was the custom in all exposed places for the men to go to the meeting-house armed, in order to be prepared to repel at once any savage invasion. But the suddenness of the attack threw the villagers into confusion, and little was done effectively to drive away the enemy. Just then there appeared among them a stranger of commanding presence, and in a dress unlike what was generally worn, who assumed

direction of affairs. He arranged the men who had arms in military array, and made a charge upon the Indians at the head of the company. Immediately the savages were routed, and put to flight, and then their leader disappeared as suddenly as he came. Who he was nobody knew. The townsmen were so much impressed with the occurrence, that they came to the conclusion that an angel had been sent from heaven for their deliverance. Some years afterward they learned that their unknown leader was Colonel Goffe. His military skill and habit of command had enabled them to use their strength to the best advantage, and the little settlement was saved.

But though the town was for the time relieved, it was not out of danger. Three weeks later occurred the fight at Bloody Brook, between Deerfield and Hadley. Captain Lothrop and a party of soldiers were escorting a number of teams, conveying wheat to the latter place, when they were attacked by a body of seven or eight hundred savages, and nearly the whole number were slain. A re-enforcement sent from Deerfield arrived too late for their relief, and were themselves compelled to sustain the assault of the whole body of Indians,

until another re-enforcement of a hundred and sixty men, under command of Major Treat, of Connecticut, came up, when the savages were put to flight. This was the well-known magistrate of Milford, who had befriended the judges in the court at New Haven fourteen years before. Did he now manage to call on his surviving friend in his Hadley retreat, and talk over the incidents of this long period of separation and solitude?

With this exception of Goffe's appearance at the head of the armed townsmen on the Fast day,—an event which seems to be well substantiated by early and unwavering tradition,—nothing more is certainly known of him after the death of his aged father-in-law. Whether he remained in Hadley or not, when he died, and where he was buried, are all matters that are covered by the pall of oblivion. Tradition has always reported that while one of the judges died in Hadley, and was buried in the minister's cellar, the other departed to escape the inquisitorial researches of Edward Randolph, and was supposed to have gone to Virginia, or some other distant region, and was heard of no more. There are a few facts which seem to confirm this

tradition, and indicate that Goffe removed to Hartford, and spent the last years of his life there.

Randolph came to New England in 1676. He was sent over to be a spy upon the colonies, and gather up whatever their enemies might use to their disadvantage at court. He returned generally in the fall with his budget of evil reports, and in the spring or summer came back plotting new mischief. For several years he was the bane and terror of New England. At some time during this period he heard rumors of the secretion of the judges; but his inquiries after them were baffled. In 1683 he came with special instructions to search for them, but they were both already dead. It is evident, therefore, that about the time of Whalley's death the danger of their discovery was increased, and this may have been a good reason why Goffe should have left a place where he had been so long, and retire to a new retreat, where he had never been suspected to be.

Various allusions in his correspondence after that time coincide with this assumption. In a letter to Dr. Increase Mather, of Boston, dated "Ebenezer, September 8, 1676," he says, "I was greatly behoulding to Mr. Noell for his assistance

in my remove to this Town. I pray if he be yet in Boston remember my affectionate respects to him." It does not seem probable that the removal referred to was that of Whalley and himself from Milford to Hadley twelve years before. Besides, in that case the language would naturally have been *our* removal, not *my*. The fair inference is, that at the time of writing Goffe had recently gone to a new residence.

In the same letter he writes, "I have received the letters from England that you inclosed to Mr. Whiting." And again, October 23, 1678, "I should take it as a great kindness to receive a word from you, if you please to inclose it to Mr. Whiteing, only with this short direction (These for Mr. T. D.) I hope it would come safely." This Mr. Whiting was doubtless Rev. Samuel Whiting, one of the ministers of Hartford at that time. "T. D." were the initials used by himself in his letters to Dr. Mather, and were evidently well known to Mr. Whiting. The inference seems almost unavoidable that the latter gentleman was made the medium of transmitting Goffe's letters in consequence of living near and being intimately acquainted with him.

Still more conclusive is a letter to Goffe from Mr. Peter Tilton, of Hadley, dated July 30, 1679. "Yours, which I cannot but mention, dated M^{ch} 18: '78, I receaued, crying howe wellcome and refreshing to my poore unworthye selfe (which as an honeycombe, to use your owne similitude, full of pretious sweetenes), I would you did but knowe, being a semblance or representation of what sometime though unworthye I had a ffuller ffruition of," i. e., a renewing of the pleasure of personal communication which formerly he had enjoyed, implying that now, in consequence of his removal, this privilege had ceased, and intercourse between them must be by writing. Mr. Tilton proceeds: "I have here sent you by S. P. tenn pounds, haveing not before a safe hand to convey it, it being a token of the love and remembrance of severall friends who have you upon their hearts." Then, after mentioning certain news lately received from England, he says, "which I presume Mr. Russell hath given you a full account of, *as understanding he hath written to Hartford*, that I neede not tautologize in that matter," — i. e. repeat it. This seems very decisive, not only that Goffe was not now in Hadley, where he had been so long a

near neighbor to Tilton, but also that he was *in Hartford*, where Mr. Russell, the pastor of Hadley, had just before written to him.

There is still another item of evidence to the same effect, which, if standing alone, would not seem to be worthy of much reliance, but which, supported as it is by the above passage in the correspondence, has considerable weight. In April, 1680, one John London, formerly of Windsor, made an affidavit, that Goffe, under the name of "Mr. Cooke," had been secreted for several years in Hartford, in the house of Captain Joseph Bull, where he was seen by the deponent in May, 1679; that the latter, with another person, had taken measures to seize and send him to New York, but had been prevented by Major Talcott and Captain Allyn from so doing, etc.

This information was sent by Sir Edmund Andross, then Governor of New York, to the Governor and Assistants of Connecticut, who immediately issued a warrant for searching the premises of Captain Bull and his sons, and other places. This was done, but the constables reported that they could find neither "Mr. Cooke" nor any other suspected person. Secretary Allyn

therefore wrote to Governor Andross, stating the result of the search, and requesting to know who had been the informer, saying also that the loyal people of Hartford were much abused by such false reports.

Of course, the failure to find the suspected person is no evidence that he was not, or had not been, in that town. A vigilance which had preserved his secret so many years would be little likely to be surprised at that late day, even if notice of the search had not been clandestinely given in advance. While, therefore, it can not be regarded as certain, it does seem to us highly probable that the last few years of the life of this patriot exile were spent in Hartford ; and if so, that he probably also died and was buried there.

The date of that event can be given only approximately. Goffe's last letter to Dr. Mather was dated April 2, 1679, and that of Mr. Tilton, already cited, July 20 of the same year. These are the last discoverable traces of him on record. We shall not probably err greatly if we assign his decease to that or the following year.

So, at length, the wanderers reached home, the weary were at rest. The malice of their enemies

could no more molest them, nor the sorrows of their friends or the woes fallen upon their beloved country disturb their repose. They sleep in the dust of New England, among a people who have become great and prosperous under the sway of those principles for which they acted and suffered. May their names and their virtues be cherished among us while the nation itself shall remain.





CHAPTER XIV.

DIXWELL.

ABOUT the year 1670 there came to New Haven a stranger of grave and dignified appearance. He was apparently a little above sixty years of age, tall, with a military bearing, and the air and manners of a gentleman. He was very quiet, and even retiring, in his habits, not inclined to be communicative respecting himself, though evidently a person of education and intelligence, and once familiar with the higher circles of society. He soon became known as eminent for devout piety, and was highly esteemed by the leading men of the church and the town.

Having no family of his own, he found a home at the house of a Mr. Ling, who lived in what was then a retired part of the place, on the corner of College and Grove Streets, as they are now called. Mr. Ling and his wife were old people, without

children, and were doubtless pleased to have the presence of a gentleman of so much cultivation and excellence in their family.

Mr. Davids — for so the stranger called himself — engaged in no regular occupation, but seemed to have resources sufficient to meet his very limited wants without carrying on any business. He received occasionally letters from abroad, which it was supposed contained remittances from relatives or friends. His time was occupied chiefly in reading, in solitary walks in the fields and groves adjacent to the town, and in social intercourse with the few families of the place with whom he had formed an intimate acquaintance. Friday of each week he was accustomed to devote to fasting and religious exercises. At that time fasts were far more frequently practiced than at present, and they were kept with great strictness. The reader of English history is struck with the recurrence of these exercises in the proceedings of the parliament, and other persons in authority, and even in the army, especially on occasions of unusual interest and importance. And they were *fasts* indeed, not, as is so generally the case now, seasons in which, under the pretense

of religious observances, the day is devoted to idleness or amusement.

To very few, probably, of the people of New Haven was it known that this quiet, gentlemanly stranger had been one of the brave and stern judges of King Charles, a companion in deeds, and now a companion in exile, of the hunted fugitives who had found shelter in that colony ten years before. First among those few, of course, was Mr., now Deputy-Governor, Jones, the fast friend and benefactor of Whalley and Goffe. He had been personally acquainted with Colonel Dixwell in London, and undoubtedly now renewed their acquaintance with all the interest growing out of the stirring events of the past, and all the respect due to one who had been a sharer in them with his own father. Other families where he would be welcomed were those of Mr. James Heaton, one of the Assistants, who lived next door to Mr. Ling, Deputy-Governor James Bishop, long Secretary of the colony; Dr. Nicholas Augur, an eminent physician, etc.

Rev. Mr. Davenport had before this gone to his rest. He had, in 1667, been called to be pastor of the first church in Boston, to succeed Rev. Mr.

Wilson, who had just died there. His great abilities caused him to be selected to fill that pulpit, the most important at that time in New England; and though already in advanced years, he accepted the call, to the great grief of his flock at New Haven. His ministry in Boston was, however, brief, for he died there March 15, 1670, aged seventy-two. "He was," says Cotton Mather, "a prince of preachers, and worthy to have been a preacher to princes; he had been acquainted with great men and great things, and was great himself, and had a great fame abroad in the world." After his removal, Rev. Mr. Street, who was installed colleague with Mr. Davenport in 1658, remained sole pastor of the church till he died in 1674. He was a man worthy to be Davenport's associate, though probably of less shining talents, and with him Colonel Dixwell maintained the most intimate friendship till his death. He appointed the colonel—"Mr. James Davids"—and Dr. Augur assistants to his wife, as executrix to his will.¹

¹ The following extracts from Mr. Street's will may interest our readers:—

"Item, I give to my four children, Samuel, Susanna, Sarah,

Mr. "Davids" seems to have won the entire confidence of the good people with whom he lived, insomuch that at Mr. Ling's death, in 1673, the latter "requested him to assist and take care of his wife, and recommended her to be kind to him." So weighty a charge must have borne seriously on the consciences of both, and as Mr. Davids afterward said, he saw no way in which it could so well be performed as by himself taking the place of their departed friend. So, a few months after, November 3, 1673, Mrs. Joanna Ling became Mrs. Joanna Davids, alias Dixwell, their friend, Mr. Assistant Bishop, officiating on the occasion. At that day, and for some years afterward marriages in New England could be solemnized only by civil magistrates. So great had been the oppressions of the spiritual courts

and Abia, five pounds a piece, in silver. Item, I give to my grandchild, Samuel Street, my silver drinking bowle. Item, I give to my daughter, Sherman [Abia], my silver wine bowle. And I also give a silver spoon a piece to my other two daughters. Item, I give to my grandchild, Hannah Andrews, a five shilling piece, in silver. Item, I give unto my loving wife any two books she will desire of mine, and to my three daughters each, one of Dr. Preston's books. The rest of my books I give unto my son, Samuel, and also my clock, after my wife's decease," etc.

in the mother country, that the early colonists debarred ministers from all powers and responsibilities of the kind.

The new connection was, unhappily, of but very brief continuance, Mrs. Davids living only about two weeks after the marriage. Mr. Ling had given her all his property, and as she had no heirs, the house and estate came to her husband. The inventory amounted to nine hundred pounds, which was quite a handsome property for those times. It is presumed that Colonel Dixwell had never married before ; at least no mention is made of his ever having had a family in England.

After remaining a widower nearly four years, he married a Miss Bathsheba Howe, October 23, 1677, a lady thirty-three years of age, by whom he had three children: Mary, born June 9, 1679 ; John, born March 6, 1681 ; and Elizabeth, born July 14, 1682. Mary married Mr. John Collins, of Middletown, Conn., and became the ancestor of Governor John Collins, of Rhode Island, and other families of some distinction in that state and Connecticut. John Dixwell married a Miss Prout, of New Haven, and subsequently removed to Boston, where he became deacon and ruling elder in the

“New North Church,” and where he has descendants of respectability and wealth. Elizabeth, the judge’s youngest daughter, died in her childhood.

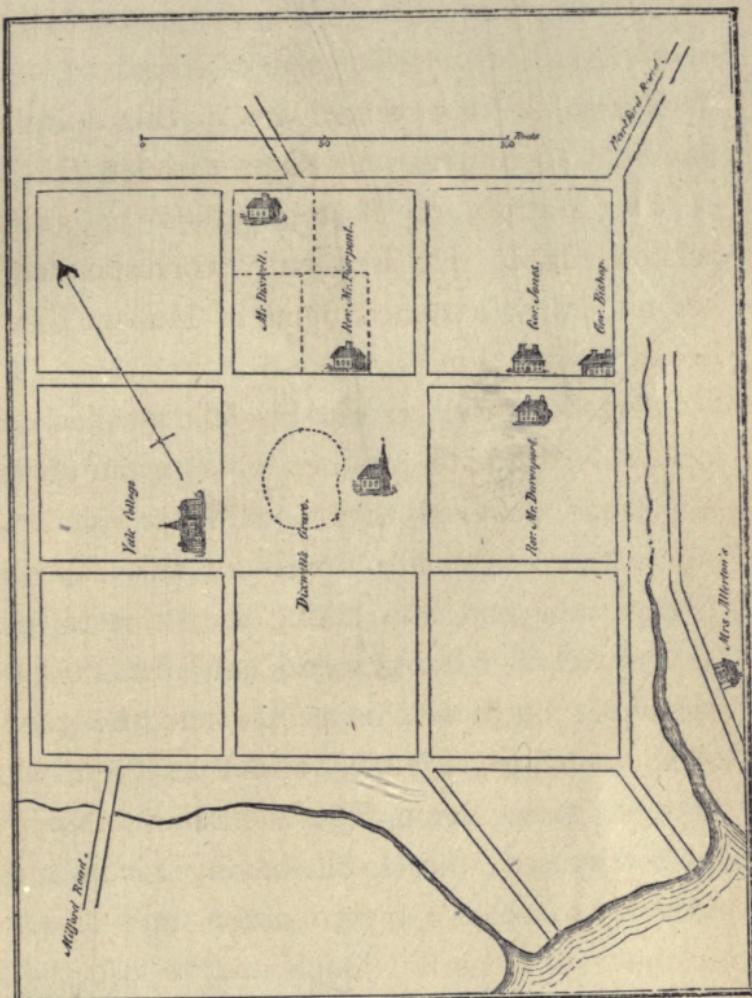
In 1682, Colonel Dixwell, by appropriate documents, made a testamentary disposition of his property in England. It appears that his brother, Mark Dixwell, before his death, in 1643, had transferred to him his estate, valued at thirteen thousand pounds, in trust for his children, out of which were to be paid to them certain specified sums, as they should be married or come of age, amounting in the aggregate to the said valuation; the colonel acting also as their guardian. This was faithfully done — the moneys were paid as stipulated, and the estate carefully improved for seventeen years, until 1660, when he was obliged to flee from the country at the Restoration of Charles II. It was then ascertained that the sums paid to the children, and expended in improvements, considerably exceeded the thirteen thousand pounds, while, in consequence of increased taxes and diminished rents, growing out of the civil war, the productive value of the estate had been less than his brother had estimated, so that it was then in debt to him about two thousand five

hundred pounds. Being now compelled to leave, the colonel gave the estate to his brother's eldest son, Basil Dixwell, subject, however, to be revoked if he saw fit ; but he omitted to take any note or security for the twenty-five hundred pounds due him, "being confident," he says, "of my nephew's ingenuity [ingenuousness] and honesty in paying the same."

In this confidence, however, he was sadly disappointed. The nephew appears to have espoused the court party, and become a knight, and of course had learned to neglect, if not abuse, his generous uncle as a traitor and regicide ; at the same time, probably, feeling secure in the possession of the estate on the ground that his uncle, by being attainted of treason, had forfeited the right to revoke the gift which he had made. "Most ungratefully and injuriously," says the judge, "he refused to allow any thing to me for this considerable sum [the £2500], or show any respect for the care I had of him, by making some provision for me in my afflicted estate"—"taking advantage of my condition, and showing unmercifulness in that they would allow me nothing for my present maintenance, that if the

Lord had not extraordinarily provided for me, I had perished for want." We are glad to say, however, that Sir Basil's sister, Elizabeth, a Mrs. Westrow, did not participate in this unkindness, but sent to him various sums through the hands of Dr. Mather, of Boston, which he gratefully acknowledged. He frequently corresponded with her under the assumed name of Madam Elizabeth Boyse, of London.

Colonel Dixwell, as did his fellow-exiles, always looked forward to another change in affairs at home, and believed they should be permitted to return there in safety. It is in this expectation that we now find him taking measures to reclaim his property. "Being confident," he says, "the Lord will appear for his people, and the good old cause for which I suffer, and that there will be those in power again that will relieve the injured and oppressed, the Lord having given me opportunity to change my condition, and also given me children, I think I am bound to use the best means I can whereby they may enjoy what is so injuriously kept from me." Accordingly, he revokes the gift of the estate made twelve years before to his nephew, and conveys it by deed to



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his wife and son, John Dixwell. He also executes a power of attorney to Mrs. Elizabeth Westrow, and her son, Thomas Westrow, to demand of Sir Basil, and if refused, to sue for the twenty-five hundred pounds due him, together with a just allowance for managing the estate during the seventeen years, with interest upon both till that time. Out of the sums so recovered he directs Mrs. Westrow to retain for herself the amount she had from time to time sent him, with certain legacies for herself and her son, the remainder to go to his widow and two surviving children. He further commits to them the guardianship and education of his children, requesting them to send for the family, if they should be willing to go to England, and to show the same kindness to his wife which they would show to him. He adds, "and I do make it my last and great request to my said dear niece and cousin Thomas Westrow, they would bring up my children in the knowledge and fear of God."

These papers were duly recorded in New Haven after Judge Dixwell's death ; but it does not appear that any measures were taken to carry them into effect until 1710. At that time, John Dixwell, his

son, went to England, and called upon his cousin, but failed of recovering the estate, on the ground, it is supposed, that the revocation was invalid, for the reason already mentioned. President Stiles relates a tradition, however, that a compromise was effected by Sir Basil's promising, in case that John had a son and called him by his name, Basil, he would make him his heir. Such a son was born, and so named, but he died unmarried in 1746. About the same time the son of Sir Basil Dixwell sent over a gratuity in money to the family of Dixwell in this country, which was divided among them.

In July, 1685, Rev. James Pierpont was settled as pastor of the church in New Haven, between whom and the unknown judge soon sprang up a warm friendship. "Madam Pierpont," says Stiles, "observing and remarking the singular intimacy, and wondering at it, used to ask him what could be the reason of this intimacy, and what he saw in that old man, who was so fond of leading an obscure, unnoticed life, that they should be so very intimate, and take such pleasure in being together. For, their house lots being contiguous and cornering upon one another,

they had beaten a path in walking across their lots to meet and converse together at the fence; and she often wondered why he should be so fond of meeting and conversing with that old gentleman at the fence. To whom he replied, that he understood more about religion, and other things, than any other man in the town, and that if she knew the worth and value of that old man, she would not wonder at it."

Influenced in part, doubtless, by his regard for this young pastor, Mr. Dixwell united as a member in full communion with the church, and by his will gave to him Raleigh's History of the World, a work which he highly valued, and had perused with great interest. "What Raleigh wrote," remarks President Stiles, "for the use of the learned world, as well as for his own amusement, during a fourteen years' imprisonment, under condemnation for treason, became the entertainment of Dixwell during his twenty-eight years of exile, under the same accusation and condemnation."

It is a singular fact, that of the three judges who fled to this country, the one who lived most openly, and without attempt at concealment save

an assumed name, was the least molested by the royal authorities. The chief reason was, that it was entirely unknown in England that Dixwell had come hither, the common belief being that he had died in Switzerland. Nevertheless, even he was not entirely out of danger. About the year 1686, Sir Edmund Andross, who, with other enemies of the colonies, was then employed in his intrigues to destroy their charters, came to New Haven. Attending divine service on the Sabbath, it is said that his eye was struck with the appearance of a venerable old gentleman, whose erect person and military air marked him as no common man. After scanning him very closely, Sir Edmund inquired who he was. The reply was, that he was a merchant, by the name of Davids, residing in the town. "No," said he, "he is not a merchant. I have seen men, and can judge of them by their looks. He has been *a soldier*, and has figured somewhere in a more public station than this!" Mr. Davids, as might be expected, *did not attend the afternoon service*, and Andross was too full of his own schemes to pursue his inquiries further.

Tradition reports, likewise, that on this Sabbath

the detested intriguer received a significant intimation of the esteem in which he was held by the good people of the colony. In the course of the service, the fifty-second Psalm was given out to be sung, which, in the old version of Sternhold and Hopkins, then in use, begins thus:—

“ Why dost thou, tyrant, boast abroad,
Thy wicked works to praise ?
Dost thou not know there is a God
Whose mercies last always ?

Why doth thy mind yet still devise
Such wicked wiles to warp ?
Thy tongue, untrue, in forging lies
Is like a razor sharp.

Thou dost delight in fraud and guile,
In mischief, blood, and wrong ;
Thy lips have learned the flattering style :
O false, deceitful tongue ! ”

The Psalm was read very distinctly and impressively, and sung with appropriate spirit, the lines, as was customary, being “deaconed off,” i. e., repeated two by two before singing. It is not very surprising that Andross was highly incensed, believing that the selection was made for his personal benefit; but we are told that the good deacon pacified him by the assurance

that they were accustomed to sing the psalms *by course*. If the offended dignitary really was pacified by this excuse, we think the fact compliments his prudence more than his sagacity.

In the quiet retreat to which a kind Providence had thus consigned him, Colonel Dixwell completed his fourscore years, soon after which he began to feel the approaches of that disease which was appointed to release him at once from exile and sorrow. He was taken with dropsy, of which he lingered several months in much distress of body, but with unruffled composure of spirit. In this sickness he was assiduously attended by the friends to whom he had become so much endeared, and to these he formally disclosed himself in his true name and character, and furnished them the means of identifying him to his relatives in England. He died on the 18th of March, 1689, in the eighty-second year of his age.

Two months later, the joyful news reached New Haven of that new revolution which the exiles had so constantly and ardently expected, and the final expulsion of the oppressive Stuart

dynasty. William and Mary, Prince and Princess of Orange, were king and queen of Great Britain. But the intelligence came too late to gladden the hearts of the judges. Whalley and Goffe had been dead some years, and now their survivor had also departed. They all believed and expected the event, but

“died without the sight.”

We have before said that all the succeeding kings of England had learned something from the retribution which his people visited upon the first Charles. We should have excepted his youngest son, James II., who came to the throne on the death of his brother, Charles II. He seems to have learned nothing ; nay, he added the one remaining thing which was possible to the crimes of his father and brother. He was a bigot, as well as a tyrant and a debauchee. Besides indulging in all or nearly all the illegal practices of the former reigns, he undertook, in utter defiance of law, to restore the open observance of the Catholic worship. He filled his court with priests and confessors, and daily celebrated the mass. He carried forward his

designs with the most arbitrary and high-handed violence, aided by such wretches as the bloody Judge Jeffries, who hung, butchered, and burned alive, thousands of the best men and women of the nation. At last his people could endure his tyranny no longer. A deputation was sent, in the name of a large number of the nobility, the clergy, and gentry, to William of Orange, who had married the king's daughter Mary, inviting them to come to England and assume the government. They accepted the invitation. At their approach with a powerful fleet and army, James fled, and the parliament declared that he had abdicated his throne, and at the same time proclaimed William and Mary the joint sovereigns of England.

Two hundred years have passed away. King, parliament, and judges, royalists and republicans, have gone to their last account. England has become a great empire, which, under the forms of monarchy, is in fact a free republic. Her sovereigns no longer vaunt their prerogative, but reign according to the constitution and laws of the land, and these every year more nearly ex-

pressing the will of her thirty-five millions of people. New England and her sister colonies have become states united in a confederacy more extensive and populous than Great Britain itself. And in both these empires, foremost among the nations of the earth, the principles for which the judges contended have become established as fundamental both in government and society. Rulers are for the people, and not the people for the rulers. Law, to have any binding force upon the conscience, must be in harmony with the law of God. Freedom to think, to speak, and to act, save only that the rights of others are not violated, is the inalienable birthright of all men. God is the supreme ruler, both of individuals and of states, who holds and controls the destinies of all, and to whom all are responsible. All powers, spiritual or secular, which are opposed to him shall perish. Amid all the revolutions of human affairs he will carry forward his own wise and blessed purposes to the grand consummation promised,—

“ New heavens, new earth, ages of endless date,
Founded in righteousness, and peace, and love,
To bring forth fruits, joy, and eternal bliss.”

In November, 1849, Mr. Dixwell, of Boston, a descendant of the judge, obtained permission of the authorities of New Haven to erect a fitting monument to his ancestor over his grave. In so doing the grave was opened, and the remains exposed to view. The following account of the transaction is abridged from one of the New Haven papers of that date:—

“ Yesterday afternoon—November 21st— a spot in the rear of the Center Church, on the upper Green was excavated to the depth of about two feet, over a space of ground about twelve feet square, for the purpose of laying the foundation of the monument which is about being erected to the memory of Colonel John Dixwell, one of the renowned judges who caused King Charles the First to be condemned, and executed. The grave was in the north-east corner of the excavation, as is indicated by the stone, on which were the letters ‘I. D. Esq.’ with his age, 82, at the time of his death, 1689.¹ Mr. Dixwell, in order to escape the vigilance of his enemies, assumed the name of James Davids; therefore

¹ See the engraving, page 12.

the initials on his gravestone were appropriate for his real or fictitious name.

“As there was a large crowd about the place of interment last evening, it was not deemed a fit time to expose the remains of the dead, if any should be found after so long a rest in the grave. Therefore, for the greater decency and propriety of the exhumation, it was ordered that all further labor be suspended until an early hour this morning. We were among the few witnesses who happened to be present when the work of excavation recommenced.

“Soon after five o’clock, by the light of a lantern, the digging was again begun. The color of the earth indicated the exact form of the grave. At length the skeleton was reached, and found to be in a tolerably good state of preservation — far better than was anticipated. The space once occupied by the coffin was very distinctly visible, so that an accurate measurement was obtained. The size of the bottom of the coffin was as follows : Length, five feet eleven inches ; breadth at the head and foot, each, six inches ; breadth at the bend, twenty-two inches. These dimensions would require the top to be two inches wider and six inches longer than

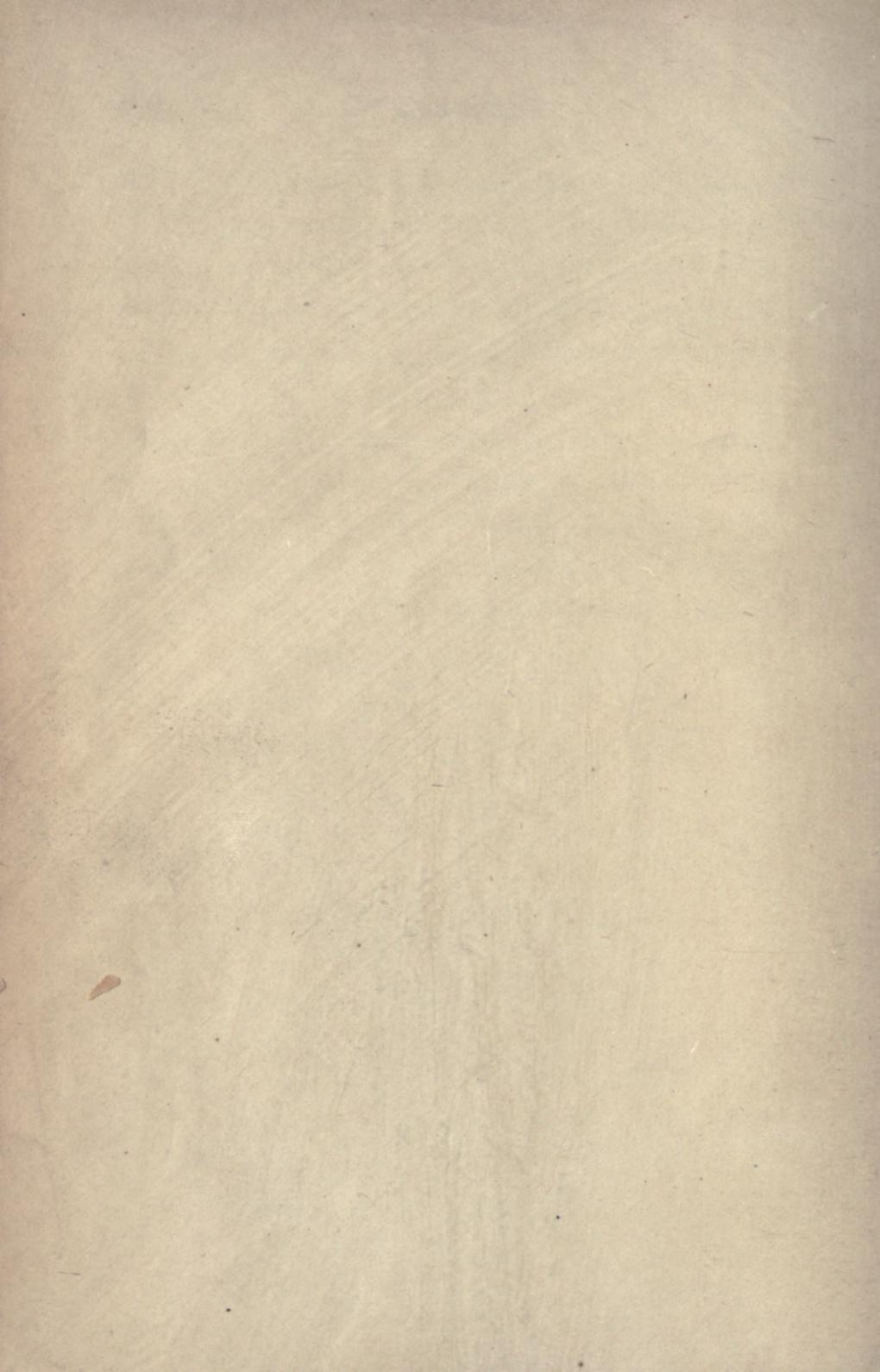
the bottom board, making the length of the top six feet five inches, and the breadth two feet at the widest part, and showing the deceased to have been, in his lifetime, about six feet in height, which corresponds with tradition in regard to his appearance in that respect. The bones of the arms were lying parallel, instead of being crossed on the breast, as is often the case.

“ The remains of the head, as examined by an eminent physician present, exhibited the following dimensions. The diameter was twenty and a half inches ; across the arch, nine and a half inches ; over the arch from forehead back, eleven inches ; diameter in the same direction, seven inches ; diameter over the ear, six and a quarter inches. The forehead was not a broad, nor was the head a large one for the size of the person. The diameter over the ears was large compared with the diameter the other way, which indicates a large phrenological ‘destructiveness,’ and this organ, which was accompanied by large ‘caution,’ phrenologists would say, gave the man the energy and decision which he must have possessed, and was an essential element of his military character.

“ The bones of this brave and persecuted poli-

tician, military captain, and sectarian were carefully picked up and laid in a small box partly filled with earth, and the lid was closed upon them, probably forever. The box was then deposited in the center of the excavated lot, and the monument will stand directly over them. The ceremony of exhumation was most interesting, and calculated to fill the mind with various and conflicting emotions, all of which, however, tended to the one idea of human frailty — to the fact that such has been and such will be the earthly end of man."





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DA Warren, Israel Perkins
419 The three judges
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